



Meeting Agenda

Friday, January 25, 2019

Time: 10:00 a.m.

Meeting Location:

Fresno Council of Governments

2035 Tulare Street, Suite 201

Fresno, CA 93721

Teleconference Number: 1-515-739-1015

Participant Code: 432-600-639

A. CALL TO ORDER AND INTRODUCTIONS

B. ELECTION OF CHAIR AND VICE CHAIR

C. APPROVAL OF MINUTES

August 24, 2018 Regional Policy Council Meeting

Chair

Enclosure



D. DISCUSSION/ACTION ITEMS

1. Executive and Water Committees

Review and Update Membership

Michael Sigala



2. Categorical Exclusions for Certain Caltrans' Projects

Discuss and Approve Letter of Support

Ahron Hakimi




3. Sustainable Communities Strategies


Discuss SB 150 Report from the California


Air Resources Board


Ryan Niblock



 (559) 266-6222

 (559) 314-6015

 1111 I Street, Suite 308
Modesto, CA 95354

 <http://sjvcogs.org/>

Chair
Mayor Rudy Mendoza
City of Woodlake

Vice-Chair
Supervisor Chuck Winn
San Joaquin County

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Merced County
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- | | | |
|--|------------------------------|-------------------------------------|
| 4. Valley Voice Sacramento: April 3, 2019
<i>a. Discuss and Approve Legislative Priorities</i>
<i>b. Review Itinerary and Logistics</i> | Michael Sigala
Gus Khouri | <input checked="" type="checkbox"/> |
| | | |
| 5. Federal Transportation Reauthorization Principles
<i>Discuss and Approve Federal Legislative Priorities for 2019</i> | Stacie Dabbs | <input checked="" type="checkbox"/> |

E. INFORMATIONAL ITEMS

The following items are for informational purposes and require no action or vote. Written summaries of Informational Items are included in the agenda packet. ☒

- | | |
|--|----------------|
| 1. Caltrans Report | Staff |
| | |
| 2. 2019 Annual Policy Conference (May 8-10, 2019) | Terri King |
| | |
| 3. Rural Transit Alternatives Study/ARB Grant | Michael Sigala |
| | |
| 4. California Partnership for the San Joaquin Valley | Ismael Herrera |

F. OTHER ITEMS

- | | |
|-----------------------------------|-----------|
| 1. Executive Directors' Report | Rosa Park |
| | |
| 2. Policy Council Member Comments | |

G. PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Council on items within its jurisdiction but NOT on this agenda. Public Comment will be allowed during the Discussion/Action Items above.

Next Regular Regional Policy Council Meeting: Friday, June 14, 2019, 10 am

Americans with Disabilities Act (ADA) Accommodations

The public meeting location and restrooms are ADA accessible. Representatives or individuals with disabilities should contact the SJV Regional Planning Agencies at 559.266.6222, at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting.



ITEM C

Meeting Minutes

Friday, August 24, 2018

Time: 10:00 a.m.

THIS WAS A PHONE CONFERENCE MEETING


Teleconference Number: 1-515-739-1015


Participant Code: 432-600-639


Meeting Attendees:


MEMBER	MPO/COG	TITLE	JURISDICTION
Amarpreet Dhaliwal	Fresno COG	Mayor	City of San Joaquin
Cheryl Wegman	Kern COG	Councilmember	City of Wasco
David Ayers	KCAG	Mayor	City of Hanford
Daron McDaniel	MCAG	Supervisor	Merced County
Andy Medellin	MCTC	Mayor	City of Madera
Elbert Holman	SJ COG	Councilmember	City of Stockton
Chuck Winn	SJ COG	Supervisor	San Joaquin County
Vito Chiesa	Stan COG	Supervisor	Stanislaus County
Bill Zoslocki	Stan COG	Councilmember	City of Modesto
Rudy Mendoza – Chair	TCAG	Mayor	City of Woodlake
Linda Launer	TCAG	Councilmember	City of Dinuba

Please see Appendix A for a list of other attendees

 (559) 266-6222

 (559) 314-6015

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A. CALL TO ORDER AND INTRODUCTIONS

Chair Mendoza

B. APPROVAL OF MINUTES

There was a motion to approve June 22, 2018, Regional Policy Council Meeting

First Motion: Mayor David Ayers

Second Motion: Councilmember Elbert Holman

No Nays

Motioned Carried

C. DISCUSSION/ACTION ITEMS

1. Valley Voice D.C. 2018 (Sep 12 & 13)

Michael Sigala

a. Review Regional Priorities Summary, Speaker Assignments and Fact Sheets

Michael Sigala discussed the regional priority summary in the agenda packet and gave a brief overview of good movements, transportation policy, air quality funding, and passenger rail categories. Michael Sigala noted that Mayor Cheryl Wegman of Wasco cannot make the trip and suggested a replacement speaker for Regional Transportation Plan Pilot Program. Councilmember Bill Zoslocki volunteered to take the lead and cover the topic. Chair Rudy Mendoza highlighted the importance of preparation and clarifying the ask before the meetings in D.C.

b. Discuss Itinerary and Trip Logistics

Jen Covino

Jen Covino gave a brief walk through of the schedule for the D.C. trip. Chair Rudy Mendoza suggested marking confirmed on the agenda list with members who have replied and confirmed their discussion times. Silvana Caldera confirmed the agenda on Water Policy on Thursday and went over the scheduled meetings and confirmed member discussions. Supervisor Winn was concerned that the discussion about water policies in the Central Valley would be had with the appropriate members, further discussion ensued.

2. Transportation Funding

Chair Mendoza

Discuss and Consider adopting Resolution No. 082418 to oppose Proposition 6

Michael Sigala introduced a resolution to oppose Proposition 6. All directors of the board were provided with the resolution, staff report and background information. Rod Atteberry, Legal counsel, was on the phone to answer any questions and provide additional information.

There was a motion to approve Resolution No. 082418 to oppose Proposition 6.

First Motion: Supervisor Vito Chiesa

Second Motion: Mayor Amarpreet Dhaliwal

No Nays, One Abstention – Mayor David Ayers

Motioned Carried

D. PUBLIC COMMENT

This portion of the meeting is reserved for persons wishing to address the Council on items within its jurisdiction but NOT on this agenda. Public Comment will be allowed during the Discussion/Action Item above

No public comment.

Appendix: A

Other Individuals Attending the Phone Meeting	
	Organization
Michael Sigala	SJV Coordinator
Tashia Clemons	FHWA
Tony Boren	Fresno COG
Andy Cheshely	SJ COG
Stacie Dabbs	MCAG
Ted Smalley	TCAG
Matt Fell	MCAG
Anthony Duhon	Madera County BOS
Sandy Ebersole	MCTC
Jen Covino	Len Simon & Co
Silvana Caldera	Len Simon & Co
Becky Napier	Kern COG
Terri King	KCAG
Rod Atteberry	Neumiller Attorneys
Rosa Parks	Stan COG
Dan Leavitt	San Joaquin Rail Authority
Sinaren Pheng	CalTrans District 10



ITEM D.1

DATE: January 25, 2019

TO: San Joaquin Valley Regional Planning Agencies Policy Council

RE: Membership of Executive and Water Policy Committees

On July 21, 2017, the bylaws of the San Joaquin Valley Regional Planning Agencies Policy Council were revised to create two standing committees: An Executive Committee and a Water Policy Committee:

- *The Executive Committee of the Policy Council is created to take legislative and administrative actions on behalf of the Policy Council. The Executive Committee shall consist of five (5) members of the Policy Council appointed for two years. The Chair of the Policy Council shall serve as the Chairperson of the Executive Committee. Membership of the Executive Committee shall include geographic representation from the northern San Joaquin Valley counties (San Joaquin, Stanislaus and Merced), the central San Joaquin Valley counties (Fresno and Madera) and the southern San Joaquin Valley counties (Kings, Tulare and Kern). The Executive Committee shall be operated in accordance with the Bylaws of the Policy Council.*

Current Executive Committee members:

Rudy Mendoza, City of Woodlake, Tulare County (chair)
Chuck Winn, San Joaquin County
Bill Zoslocki, City of Modesto, Stanislaus County
Mike Villalta, City of Los Banos, Merced County
Andrew Medellin, City of Madera, Madera County
Daron McDaniel, Merced County - Alternate
Gary Yep, City of Kerman, Fresno County – Alternate
VACANT - Alternate

- *The Water Policy Committee of the Policy Council is created to advise the Policy Council on local, state and federal matters of importance related to water infrastructure funding and policy. The Water Policy Committee shall consist of five (5) members of the Policy Council appointed for two years. The Chair of the Policy Council shall serve as the Chairperson of the Water Policy Committee. Membership of the Water Policy Committee shall include geographic representation*

from the northern San Joaquin Valley counties (San Joaquin, Stanislaus and Merced), the central San Joaquin Valley counties (Fresno and Madera) and the southern San Joaquin Valley counties (Kings, Tulare and Kern). The Water Policy Committee shall be operated in accordance with the Bylaws of the Policy Council.

Current Water Committee members:

Rudy Mendoza, City of Woodlake, Tulare County (chair)

Chuck Winn, San Joaquin County

Daron McDaniel, Merced County

Doug Verboon, Kings County

Robert Poythress, Madera County

Gary Yep, City of Kerman, Fresno County – Alternate

Kuyler Crocker, Tulare County - Alternate

Requested Action. This is an informational review item. The newly elected Chair and Vice Chair of the Policy Council may impact the composition of these committees. The Policy Council may elect to take action to fill the alternate vacancy on the Executive Committee.



ITEM D.2

DATE: January 25, 2019

TO: San Joaquin Valley Regional Planning Agencies Policy Council

RE: Categorical Exclusions for Certain Caltrans' Projects

Categorical exclusions (CEs) are categories of actions that have been determined not to have a significant effect on the human environment either individually or cumulatively. In its regulations for National Environmental Protection Act (NEPA) implementation, the Council on Environmental Quality (CEQ) directed all federal agencies to adopt procedures for identifying actions that are categorically excluded, e.g., that normally do not require either an environmental impact statement or an environmental assessment. Pursuant to CEQ's regulations, the Federal Highway Administration (FHWA) has defined categories of actions that do not involve significant environmental impacts. These actions are defined in 23 CFR 771.117.

Under 23 CFR 771.117, CEs are divided into two groups based on the action's potential for impacts. The first group consists of categories of actions that experience has shown almost never cause significant environmental impacts. These categories involve minor construction activities and activities that do not lead to construction. They are listed in subsection (c) of 23 CFR 771.117 (Class "C"). These actions are automatically classified as CEs, except where [unusual circumstances](#) occur. The determination that the action is excluded must be documented by the completion of the [CE/CE form](#).

The second group of CEs consists of actions that normally do not involve significant impacts, but may, depending upon circumstances, have the potential to cause significant environmental impacts (Class "D"). These projects require potentially expensive environmental studies and documentation to verify environmental impacts.

Treating C-type CEs as though they require the same documentation and standards of analysis as D-type exemptions delays local projects unnecessarily and requires federal funds to be used inappropriately on studies that are not federally required rather than on construction activity for which they were intended.

A May 31, 2016 memorandum of understanding among the Federal Highway Administration, California Divisions and the California Department of Transportation allowed the State to assume responsibility for categorical exclusions. That MOU is due to be renewed in May 2019.

Despite its authority to do so under a pilot program delegating NEPA certification approval to certain states, the California Department of Transportation (Caltrans) typically declines to approve CE forms out of legal liability concerns, despite FHWA rulemaking regarding CE dispositions.

The renewed MOU should include language that requires Caltrans to approve Class “C” CEs and therein releasing the State from legal liability for those actions.

Proposed MOU wording mark up:

- IV. State performance requirements
 - B. Processing projects assigned under this MOU – State identification, documentation, and review of effects...
 - 2. *For CEs other than those designated in 23 CFR 77.117(c), ~~carry out a review of CE determination for CEs, including those designated in 23 CFR 771.117(e),~~ carry out...*

This change is consistent with the cited federal regulations as of September 26, 2018, as well as wording in the federal MOU template and MOUs from all other states that have assumed responsibility for categorical exemptions.

Requested Action. Approve a letter to Caltrans (attached) requesting a change in the language to the MOU between FHWA’s California Divisions and Caltrans for its pending May 2019 renewal.



Laurie Berman, Director
California Department of Transportation
1120 N Street
MS 49
Sacramento, DC 95814

January 25, 2019

RE: FHWA/Caltrans MOU on State assumption of responsibility for categorical exclusions – Proposed Edits

Ms. Berman:

On behalf of the San Joaquin Valley Regional Planning Agencies Policy Council, we kindly request you please consider the following edits to the May 31, 2016 MOU between the Federal Highway Administration/California Division and the California Department of Transportation Memorandum of Understanding on the State assumption of responsibility for categorical exclusions (CEs).

Proposed MOU wording mark up:

- IV. State performance requirements
 - B. Processing projects assigned under this MOU – State identification, documentation, and review of effects...
 - 2. For CEs other than those designated in 23 CFR 77.117(c), ~~carry out a review of CE determination for CEs, including those designated in 23 CFR 77.117(e)~~, carry out...

This proposed change is consistent with the cited federal regulations as of September 26, 2018, as well as wording in the federal CE Assignment MOU Template and MOUs from all other states that have assumed responsibility for CE. Treating C-type CEs as though they require the same standards of analysis as D-type exclusions delays local projects unnecessarily, and requires federal funds to be used inappropriately on studies that are not federally required, rather than on construction activity for which they were intended.

In addition, we request that Caltrans update the Preliminary Environmental Study (PES) form and CE checklist to be made consistent with the change. Thank you in advance for considering this request and please let me know if I can answer any questions or concerns.

Sincerely,

Rudy Mendoza
Chair of the San Joaquin Valley Regional Planning Agencies Policy Council
Mayor of the City of Woodlake, Tulare County

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San Joaquin Valley Regional Planning Agencies Policy Council
January 2019

STAFF REPORT

SUBJECT: Update on SB 150 Report prepared by the
California Air Resources Board

RECOMMENDED ACTION: Discussion

SUMMARY:

Under SB 150, the California Air Resources Board (CARB) is meant to assess progress made by each MPO in meeting regional greenhouse gas (GHG) emission reduction targets. In CARB's report, they conclude that the state is not on track to meet its GHG reductions, based on progress made to date. Valley staff, along with other fellow regional planning partners, are critical of CARB staff's conclusions and recommendations.

CARB's report can be found at the following link:
<https://ww2.arb.ca.gov/resources/documents/tracking-progress>.

BACKGROUND:

With the passage of SB 375 in 2008, metropolitan planning organizations were required to develop a Sustainable Communities Strategy (SCS). An SCS must demonstrate an ambitious, yet achievable, approach to how land use development and transportation can work together to meet GHG emission reduction targets for cars and light trucks. Under SB 150, CARB is meant to assess progress made by each MPO in meeting regional greenhouse gas emission reduction targets. The reporting is to include changes to targets, a discussion of best practices, and the challenges faced by MPOs in meeting the targets, including the effect of state policies and funding.

The San Joaquin Valley is home to some of the most disadvantaged communities in the State, communities that share an air basin challenged by weather and topography that creates an ideal setting for extreme air pollution. Because of this, Valley MPOs are sensitive to the need for air quality improvement and are firmly committed to SB 375. Valley MPOs have been successful in changing the way they do business in their RTPs through better integration of transportation, land use, housing, health indicators, and GHG reductions. As a result, all Valley MPOs have been able to meet and exceed all GHG reduction targets set for each RTP/SCS completed.

Since the inception of SB 375, the Valley has met and exceeded all its GHG reduction targets.

In CARB's recently released SB 150 report, CARB concludes that the state is not on track to meet its GHG reductions, based on progress made to date. They suggest that MPO strategies have not

been as effective as anticipated, and that more needs to be done at regional and local levels. They highlight recent increases in GHG and vehicle miles traveled (VMT), and make several “top-down” recommendations to put the state on track to meet GHG goals. CARB’s recommendations look to create greater influence over local decision making, which Valley staff disagrees with. Valley staff, along with its fellow regional planning partners, are critical of CARB staff’s analysis, conclusions, and recommendations.

Metropolitan Planning Organizations Disagree with CARB

MPOs throughout the Valley, along with the four largest MPOs in the state, have been united in their criticism of CARB’s SB 150 report. Joint technical comment letters have been sent to CARB, joint meetings between the MPOs and CARB have been held, and joint presentations by the MPOs have been delivered to CARB to dispute their conclusions and refocus the discussion. **All MPOs are meeting their GHG reduction targets under SB 375.** Regions are engaging the public, investing in strategies outlined by CARB, and striving to meet and exceed aggressive targets. Unfortunately, we’ve seen smaller returns on these investments than expected. The MPOs are doing all they can – the approach to meet the State’s goals must expand to include all relevant state agencies, and add more tools to the toolboxes of regional and local governments.

CARB Assertion:

Existing strategies haven’t been as effective as anticipated; agencies should commit more resources to these strategies.

MPO Response:

The State must focus on new/different strategies that “move the needle”

Existing strategies are not one-size-fits-all, and some of the current best practices are proving to be ineffective in the Valley. As an example, Parking Pricing is a strategy that has been successful in the most densely urban areas of the state. In the San Joaquin Valley, where cities are still trying to revitalize downtowns and stimulate economic growth, the implementation of a Parking Pricing strategy would actually deter much needed economic development.

One of the biggest GHG-related challenges the Valley faces (particularly in the northern portion of the Valley) is the “super-commuter” who spends hours on the road every day. In the Valley, increasing employment opportunities nearer to home is what would work to reduce the number of super-commuters on the road. As such, we believe placing a greater emphasis on economic development in the Valley would produce better GHG results.

Economic development in the Valley shortens commutes, leading to reduced GHG.

CARB Assertion:

Significant shifts in funding must occur into transit and active transportation

MPO Response:

Fund source limitations and funding priorities must be better understood

As many MPOs have pointed out during the 2018 RTP/SCS development process, 90 percent of transportation funds have a designated purpose. For example, funds administered by the Federal Transit Administration must be used for transit projects, and funding through the Highway Bridge Program must be used for bridge improvements. Less than 10 percent of funds outlined in the

RTP/SCS have the flexibility to shift from one mode of travel to another. As such, without legislative changes, the kind of funding shift CARB requests is not possible.

Furthermore, it should be recognized that an MPO considers multiple priorities when distributing funds. On top of GHG improvement, an MPO Board must also consider safety, mobility, equity, and economic impact. The SB 150 report fails to consider the value of these factors and fails to recognize the challenge associated with balancing these priorities. For example, because of the more urban nature of cities like Fresno, Bakersfield, and Stockton, investments into projects that reduce GHG in these cities tend to produce a greater “bang for the buck” than in more rural communities like Mendota, Arvin, or Escalon. When distributing funds for these types of projects, the MPO Boards must also balance associated equity considerations.

In assigning transportation dollars, elected officials must balance multiple priorities.

CARB Assertion:

Housing decisions at the regional and local levels do not align with CARB goals

MPO Response:

Land use limitations and local priorities must be taken into consideration

When considering the 20-year span of a planning document like the 2018 RTP/SCS, it must be understood that approximately 70 percent of land use is already built out (i.e., the existing development we have today). Of the 30 percent anticipated growth over the 20-year planning period, the majority of housing is already entitled, meaning again that MPOs, if they actually have land use authority, have in the range of 10 percent flexibility within which to make decisions.

California is in a housing crisis, and the lack of affordable housing near jobs is a major contributor to the commute patterns we see today. Unfortunately, resources around the development of affordable housing have been woefully inadequate. The California Department of Housing and Community Development reports that:

- Over the last three years, \$2.5 billion in requests for funding statewide have been received under the Affordable Housing Sustainable Communities program
- Only \$470 million in funding was available for award
- Roughly four out of every five projects is unable to secure funding

This speaks to the demand for affordable housing in California and highlights a \$2 billion shortfall for this type of housing. MPOs throughout the state have been unified in noting that the lack of a redevelopment tool creates a major challenge for infill development and affordable housing.

We Need to Get Realistic as We Move Forward

Over time, some of the metrics and recommend strategies used by CARB are becoming less effective. As mobility evolves, so too must our efforts to reduce GHG emissions. Below are points made by Valley staff to attempt to refocus efforts:

- For some time, we have used VMT as a reasonable approximate for GHG. However, **as new technologies and methods of travel emerge, VMT is less likely to track with GHG reductions.** Services like Lyft and Uber actually increase VMT, and the introduction of

autonomous vehicles will undoubtedly increase VMT. Further, the mobile fleet has become significantly cleaner, reducing the amount of improvement by lowering VMT.

- We cannot ignore that **vehicle travel (cars, small trucks, and freight) is a critical part of the economic vitality of the Valley**. Even under the current batch of technologies available, we are seeing Valley residents associating prosperity with auto ownership. CARB's focus on addressing the impact of VMT should be refocused on efforts to electrify vehicle fleets.
- The SB 150 report suggests convening a "transportation system think tank" to evaluate future transportation needs, identify transformative technologies, and assess regulatory approaches to ensure deployment. While Valley MPOs are supportive of this effort and believe that **technological advancements are what will have the most impact on GHG improvement**, we also believe that a more direct approach is warranted. The Valley has recommended that CARB seek legislative solutions to direct investment by the State into the actual development & advancement of these technologies, rather than just monitoring.

Closing Thoughts

While the MPOs have been successful in meeting and exceeding its GHG reduction targets under SB 375, we have seen little accomplished by the State in regard to its responsibilities in reducing GHG. MPOs are active participants in the development of setting aggressive targets for themselves. However, we have yet to see targets set by the State related to housing or job creation. The lack of state-level scrutiny in this regard is concerning, and improvement in these areas can go a long way to improve GHG statewide.

Valley MPOs are proud of their record of meeting and exceeding its GHG reduction targets. Valley MPOs are following through on the implementation of their RTP/SCS's, and will continue to support innovative planning solutions going forward. However, with respect to CARB, Valley staff will work to protect local decision making, emphasizing the necessary balancing of priorities when making funding decisions, and focusing efforts on issues that move the needle.

FISCAL IMPACT:

None.

RECOMMENDATION:

None, item is for discussion.

San Joaquin Valley Regional Priorities- DRAFT

MAINTAINING DISTRIBUTION OF TRANSPORTATION FUNDING

Voters have repeatedly favored the existence and protection of funding dedicated from transportation funding purposes. The defeat of Proposition 6 in 2018, which protects SB 1 funding, and approval of Proposition 69 in 2018 and Proposition 22 in 2010 are recent examples. Given that the Valley is in a non-attainment air district and a disproportionate amount of Valley residents commute to jobs centers in either the Bay Area or Los Angeles Basin, the loss of transportation funding will only exacerbate the problem of addressing congestion management, goods movement, and providing mobility options, such as investments in passenger rail, to reduce GHG. To truly reduce VMT, improve air quality, and quality of life for Valley residents, a cost-effective solution may be to provide for incentives to locate or expand operations in the Valley.

REQUEST: Find other alternatives to Governor Newsom's FY 2019-20 State Budget to condition the receipt of transportation funding based on local jurisdictions complying with meeting affordable housing goals to address the job-housing imbalance. We prefer to respect the will of the voters and not delay the distribution of critical transportation funding and leverage locally approved sales tax measures while coordinating with the legislature and relevant state agencies on addressing state mandates to reduce greenhouse gas emissions and vehicle miles traveled (VMT), by providing incentives to generate job centers in the San Joaquin Valley.

ACQUIRING SB 1 COMPETITIVE PROGRAM FUNDS

In 2017, the legislature enacted SB 1 (Beall), Chapter 5, statutes of 2017, which provides \$5.2 billion in annual revenues to fund traffic congestion relief, highway rehabilitation and safety, local streets and roads repair, and multi-modal options through investments into public transportation, commuter and intercity rail, and bicycle and pedestrian programs.

REQUEST: Support application submissions by the eight San Joaquin Valley Counties through the various competitive programs, such as the Active Transportation Program, Local Partnership Program, Solutions for Congested Corridors, and Trade Corridor Improvement Fund, that attempt to enhance safety, reduce traffic congestion and increase throughput for goods movement on highways, specifically State Route 99 and I-5, while providing for multi-modal options for communities. Request the California Transportation Commission (CTC) consider air quality and low-income challenges to ensure a fair and equitable distribution of funds, specifically within the Trade Corridor and Congested Corridor programs. These considerations can be incorporated in funding decisions through the use of existing tools such as CalEnviroScreen.

MEETING GREENHOUSE GAS EMISSION REDUCTION GOALS

Per AB 179 of 2017, the CTC and California Air Resources Board (CARB) are required to convene twice a year to coordinate transportation policies, with a focus on reducing vehicle miles traveled and greenhouse gas emissions. Concurrently, the legislature continues to work on providing resources to develop additional affordable housing in the Bay Area and Los Angeles, while assessing job creation opportunities to help mitigate vehicle miles traveled. Recently, CARB issued a report per SB 150 stating that while California has met its 2020 greenhouse gas emission reduction targets ahead of schedule, more will be expected of metropolitan planning organizations, among others to assume non-traditional responsibilities to address future climate targets.

REQUEST: Monitor SB 150 conversations and activities regarding the state's efforts to enforce greenhouse gas emission reduction goals and protect the ability of regional transportation planning agencies to implement voter-approved expenditure plans. Encourage job creation within the San Joaquin Valley to reduce vehicle miles traveled. Support changes in State school siting procedures to allow for schools to be developed in urban, versus periphery, areas. The Cap and Trade Program, or additional sources of funding, should be allocated regionally by population, air quality status and disadvantaged community status, recognizing different strategies are necessary to achieve greenhouse gas reductions in different areas of the state. This approach requires maintaining CalEnviroScreen criteria as the tool to determine disadvantaged community status.

San Joaquin Valley Regional Priorities

SOLUTIONS TO IMPROVING AIR QUALITY

Despite achieving significant emissions reductions through decades of implanting the most stringent stationary and mobile regulatory control program in the nation, NO_x emissions in the San Joaquin Valley must be reduced by an additional 90% in order to attain the latest federal standards. Support is needed for the San Joaquin Valley Air Pollution Control District to petition the EPA for new national standards for on-road, heavy-duty trucks and locomotives under federal jurisdiction and the establishment of a National Clean Air investment fund to accelerate the deployment of low-emission vehicles in a timeframe that will meet the standards, protect public health and avoid federal sanctions.

A popular and effective way of reducing greenhouse gas emissions, increasing mobility options, and reducing vehicle miles traveled is to make additional investments into passenger rail service. With over 5.5 million annual passengers for fiscal year 2012, California has more than 20 percent of all the nation's intercity riders. In FY 17-18, the San Joaquins service carried over 1.1 million passengers and 1.5 million passengers boarded the Altamont Corridor Express. Improving California's Intercity Passenger Rail Program will result in more jobs, improved air quality, less automobile use, enhanced public safety more transportation choices and promotes sustainable communities.

REQUEST: Provide additional funding for commuter and intercity rail operations and capital purposes through the Cap and Trade program, State Budget or by other means for regional and local governments to meet new air quality regulations.

This includes augmenting the State Rail Assistance Program and supporting the San Joaquin Joint Powers Authority (SJJPAA) and the San Joaquin Rail Commission (SJRRRC) application for funding under the Transit and Intercity Rail Capital Program (TIRCP) for: (1) the **"Stockton Diamond"** project, which consists of grade separating the BNSF Stockton Subdivision and UPRR Fresno Subdivision. Both Subdivisions are very active and major connectors of both freight and passenger services between the greater San Joaquin Valley, Sacramento Valley and the Bay Area. (2) The **Austin Road Overcrossing** project, which will construct a new overcrossing at Austin Road in Manteca, near State Route (SR) 99, eliminating the existing at-grade railroad crossing. This project is part of the larger SR 99/120 Connector Project and will help to improve safety for motorists, passenger rail, and freight rail.

OBTAIN CATEGORICAL EXCLUSIONS FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE

REQUEST: Encourage Caltrans to exercise the authority provided to them by Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to make NEPA categorical exclusion (CE) certifications or determinations.

Federal Highway Administration and Federal Transit Administration amended their joint procedures to streamline compliance with the National Environmental Policy Act (NEPA) by designating two types of actions as categorical exclusions for transportation projects:

- Any project (as defined in 23 U.S.C 101(a)) within an existing operational right-of-way; and
- Any project that receives limited federal funding.

SYNCHING REGIONAL TRANSPORTATION PLAN ADOPTION CYCLE- PILOT PROGRAM

REQUEST: Encourage state support for a federal pilot program to explore a 10-year Regional Transportation Plan (RTP) adoption cycle.

RTPs are federally required long-range transportation plans that metropolitan planning organizations (MPOs) are required to update every four years. Looking ahead 20 years or more, these documents serve as a master plan for the region's transportation network including a listing of all projects anticipated to receive federal funding. Under the current four-year cycle, federal planning grants do not cover the costly transportation and air quality modeling expenses required to produce the document. The San Joaquin Valley MPOs are interested in pursuing a pilot program to explore an optional 10 year RTP adoption cycle that would allow agencies to amend adopted RTPs as needed from year to year.

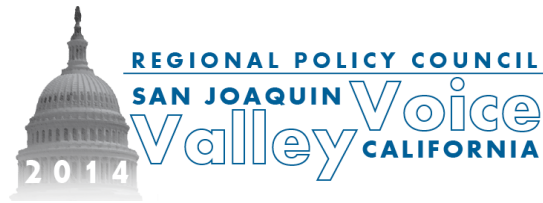
San Joaquin Valley Regional Priorities- DRAFT

WATER RELIABILITY, QUALITY AND SUPPLY

REQUEST: To provide the agriculturally rich San Joaquin Valley with reliable water quality and supply, the Regional Policy Council requests:

- (1) State Legislators work with their Federal counterparts to develop a water policy for the region that is sustainable and equitable, with an emphasis on water storage.
- (2) Support Temperance Flat RM 271 Reservoir which needs Prop1 funding to secure 1.3 acre feet of water annually for the Valley.
- (3) Amend the Groundwater Sustainability Act to allow for greater recharge capacity for beneficial use.
- (4) Provide available funding to municipalities for the delivery of safe and clean drinking water.

The San Joaquin Valley's demand for a reliable supply of clean water is an imperative. The San Joaquin Valley's growth rate is projected to be 65% higher than the state average within the next 15 years. The effects of a diminished food supply due to the unreliable availability of water will have a detrimental effect on the State of California and the nation. Our nation's food supply and security will be impacted significantly as a result of inaction. It is critical that state and federal policymakers and agencies work together to ensure adequate water supplies for the region.



Agenda

Wednesday, April 3, 2019

State Capitol, Room TBD (North Entrance) - Sacramento, CA

- | | |
|----------------------------|---|
| 9:15 am – 10:00 am | Arrival/ Pre-briefing- Gus Khouri, Khouri Consulting |
| 10:00 am – 10:45 am | Brian Annis, Secretary, California State Transportation Agency
Topics: |
| 10:45 am – 11:30 am | Jim Beall, Chair, Senate Transportation & Housing Committee
Jim Frazier, Chair, Assembly Transportation Committee
Topics: |
| 11:30 am – 12:00 pm | Anthony Williams, Legislative Secretary, Governor Newsom
Topics: |
| 12:00 pm – 1:15 pm | Susan Bransen, Executive Director, California Transportation Commission
Ella, 1131 K Street, Sacramento, CA 95814 (exit Capitol from East Entrance) |
| 1:30 pm – 2:00 pm | TBD, California Air Resources Board
Topics: |
| 2:00 pm – 2:30 pm | Assembly Member Vince Fong (Kern)
Topics: |
| 2:30 pm – 3:00 pm | Senator Cathleen Galgiani (San Joaquin, Stanislaus)
Topics: |
| 3:00 pm – 3:30 pm | Senator Anna Caballero (Fresno, Madera, Merced, Stanislaus)
Topics: |
| 3:30 pm – 4:00 pm | Assembly Member Adam Gray (Merced, Stanislaus)
Topics: |
| 4:00 pm – 4:30 pm | TBD, Legislative Secretary, Governor Newsom
Catalina Hayes-Bautista, Deputy Secretary, CalEPA or CARB rep
Topics: |
| 4:30pm – 5:00 pm | Senator Melissa Hurtado (Fresno, Kern, Kings, Tulare)
Topics: |

San Joaquin Valley Regional Policy Council White Paper FAST Act Reauthorization

DRAFT: November 2018

INTRODUCTION

The Fixing America's Surface Transportation (FAST) Act was signed into law December 4, 2015 as the first comprehensive, long-term surface transportation legislation since SAFETEA-LU in 2005. The FAST Act continues to fulfill the Constitutional directive that investment in transportation is a core federal responsibility. Its authorization of \$300 billion for federal highway, highway safety, transit, and passenger rail programs through 2020 aligned in perfect time to support our nation's economic growth and maintaining our multimodal transportation infrastructure.

However, the FAST Act provides only a one-time and near-term reprieve when it comes to federal surface transportation funding. By not enacting a long-term funding source, the Highway Trust Fund (HTF) continues to remain at a crossroads. The HTF provided stable, reliable, and substantial highway and transit funding for decades since its inception in 1956, however, this is no longer the case. For the last 10 years, the HTF has been sustained through a series of General Fund transfers now amounting to \$140 billion. If transfers stop and no other funding source is found, the American Association of State Highway and Transportation Officials (AASHTO) estimates that states will see about a 40% drop in highway funding from FY 2020 to the following year - \$46.2 billion to \$27.7 billion in FY 2021. In the past, such similar shortfall situations have led to the possibility of a reduction in federal reimbursements to states on existing obligations, leading to serious cash flow problems for states and resulting in project delays.

The San Joaquin Valley recognizes that we need to continue the momentum of MAP-21 and the FAST Act by making further efficiency gains on transportation policies and project delivery and provide increased flexibility for States and Metropolitan Planning Organizations (MPOs). State DOTs and MPOs strive to maintain responsible stewardship of taxpayer resources and both human and natural environments, all the while improving mobility and accessibility for all residents and businesses.

OUTLINE OF POLICY ISSUES

1. Funding (*Reference Schuster Proposal*)
 - a. Increase Federal Funding
 - b. Restore Highway Trust Fund Solvency
 - c. Eliminate Rescissions of Contract Authority
 - d. Protect CMAQ
 - e. Fund Multimodal Mobility Solutions
 2. Programs
 - a. Expand Eligible Activities for National Highway Freight Program
 - b. Create a National Farm-to-Market Routes Rehabilitation Program (Appendix A)**
 3. Planning
 - a. Enhance Flexibility and Avoid New Administrative Burdens
 - b. Increase MPO Flexibility and Decision Making Authority
 - c. Create the SMART Transportation Planning Pilot Program (Appendix C)**
 4. Project Delivery
 - a. Improve the Buy America Waivers process
 - b. Categorical Exclusions for C-Listed Projects (Appendix B)**
 5. Air Quality
 - a. Reduce Plans Required for New Air Quality Standards
-

FUNDING

Increase Federal Funding

Issue: Our nation faces aging infrastructure, a growing population, and a critical transportation funding shortfall. The American Society of Civil engineers has identified a \$1 trillion funding gap for surface transportation by 2025. It is essential to increase federal funding to sustain national and regional connectivity and mobility for people and business. States and local governments cannot fund an efficient national system alone.

Solution: Significantly increase federal surface transportation funding above current levels. Several options are technically feasible, for example: dedicated general fund revenues, increases to fuel taxes, or additional freight charges.

Restore Highway Trust Fund Solvency

Issue: Funding for the Highway Trust Fund was last increased 25 years ago. Over the previous decade, over \$140 billion in general funds have been used to patch the widening gap between revenues and the spending needed to maintain and improve our national system. Highway Trust Fund revenues, mainly derived from fuel taxes, will continue to decline due to increased vehicle fuel efficiency and growing use of alternative fuel vehicles.

Solution: In July 2018, former House Transportation & Infrastructure Committee Chairman Bill Shuster released an Infrastructure Discussion Draft that provides a solid framework to address the continual shortfall of funding in the Highway Trust Fund. Among the many ideas contained in Rep. Shuster's draft that warrant discussion are:

- Temporarily increase gas and diesel taxed by 15 and 20 cents, respectively, over a three-year period and then index them to inflation so they will continue to grow.
- Create a pilot program to test out transitioning from a tax on gasoline to a tax based on miles driven (vehicle miles traveled).
- Create a Highway Trust Fund Commission to determine a new funding mechanism for transportation which cannot be fuel taxes, that must be in place before the fuel taxes are then eliminated in 10 years.
- Add new funding mechanisms from a 10 percent tax on bike tires (26 inches or larger) and electric vehicle batteries and eliminate the fuel tax subsidy for transit.
- Increase funding for the next 3 years for roads and bridges, which excludes increases for biking and walking projects.

Eliminate Rescissions of Contract Authority

Issue: Rescinding previously-authorized highway contract authority greatly impedes the flexibility of state departments of transportation to program Federal dollars and could result in hard cuts to highway funding.

Solution: Repeal the scheduled FY 2020 rescission and avoid using rescissions of highway contract authority. However, if a rescission is imposed, states should have the flexibility to choose among all the funding categories to rescind so they can reduce the negative impact of the rescission on transportation service and performance.

Protect CMAQ and Restore Flexibility

Issue: CMAQ funding is critical to areas with poor air quality to help them achieve public health standard. Also, this effort is hindered because projects eligible for CMAQ funding are limited by a variety of conditions. For example, 3 to 5 year caps of operating assistance.

Solution: Protect CMAQ formula funding Increase flexibility in the use of CMAQ funds for projects that can demonstrate air quality benefits. For example: allow transit operations, intelligent transportation systems, technology deployments such as connected and automated vehicles.

Fund Multimodal Mobility Solutions

Issue: States, regions, and local governments lack the flexibility to choose the best set of projects and programs to meet their long-term goals. Different areas have markedly different needs.

Solution: Increase flexibility for states and local governments to improve their systems with multimodal infrastructure, including public transportation and rail, active transportation, and technology and system management.

PROGRAMS

Expand Eligible Activities for National Highway Freight Program

Issue: The use of the nation’s highway system for freight is increasing, and the need for integrated solutions to better move freight throughout the country is increasing. Integrated freight management solutions and freight safety programs do not currently qualify as eligible activities for NHFP or INFRA funds.

Solution: Reform the National Highway Freight Program, both formula program to States and the discretionary program (INFRA), to more clearly include eligibility for investment in integrated freight management solutions (e.g., intermodal systems, freight lanes on interstates, and parking and staging areas) and freight safety programs (platooning, remote sensing technology, etc.), including for emergency responders. Eligibility should include multi-state proposals, such as for regions and corridors.

Create a National Farm-to-Market Routes Rehabilitation Program

Issue: The United States is the third leading agriculture producer in the world after China and India with over \$374 billion worth of commodities produced in 2017. The US is also the world’s leading exporter of agricultural goods with over \$144 billion worth of commodities exported around the world in 2017. In the San Joaquin Valley, thousands of farms ship millions of pounds of crops to market every week that travel on local, county and city roads to connect to the state highway system. Dairies, for example, must transport their products off site every day, causing significant strain on frequently traveled roadways and accelerating pavement degradation. According to Caltrans, a fully loaded dairy truck can weigh up to 80,000 pounds. A roadway carrying 500 trucks per day is comparable to 5 million passenger cars trips per day.

Solution: The San Joaquin Valley transportation planning agencies will work with the Congressional Transportation Committee and USDA to identify and quantify the most crucial elements of a pilot program for the next transportation bill to assist with maintaining those farm-to-market routes deemed crucial for interstate and international commerce.

For more detailed information and proposed language, see Appendix A.

PLANNING

Enhance Flexibility and Avoid New Administrative Burdens

Issue: The San Joaquin Valley MPOs urge federal decision makers to continue to look for ways to reduce regulatory burdens and improve agency effectiveness consistent with the national goal of “reduced project delivery delays.” In addition, states and metropolitan planning organizations need flexibility to accelerate implementation of projects to meet national and state goals.

Solution: The San Joaquin Valley MPOs oppose new program mandates in general, ranging from new program process requirements, to required investment levels in certain activities. (e.g. suballocation of CMAQ funds), to design related mandates (i.e. practical design). The San Joaquin Valley MPOs support additional flexibility in a state's ability to expeditiously complete planning and project delivery processes and in a state's ability to make the best investment decisions for the state without siloed programs, and that any program growth should be in the most flexible categories.

Increase MPO Flexibility and Decision Making Authority

Issue: Regional planning and programming is the cornerstone of an innovative and successful national transportation system. The FAST Act generally maintained the balance of authority between State DOTs and MPOs. Historically, attempts have been made to change this balance of authority through new legislation, rulemakings, or guidance.

Solution: The San Joaquin Valley MPOs urge federal decision makers to (1) support the role of MPO's in the decision-making process, (2) find ways to improve flexibility in how they conduct business, and (3) avoid any legislation that would transfer MPO authority to the state or federal government.

Create the SMART Transportation Planning Pilot Program

Issue: Under Title 23 U.S.C. Section 134(i)(1)(B), MPOs are required to update or produce a new Regional Transportation Plan (RTP) every four years. The RTP is a long-range master plan for a region's transportation network. Under the current 4-year cycle, federal planning grants do not cover the costly transportation and air quality modeling expenses required to produce the document. Legal costs can also inflate the budget by as much as 50% per cycle. Additional state and local funding must be used to cover these expenses, rather than be redirected to additional planning and programming work.

Solution: The San Joaquin Valley MPOs supports legislation authorizing the creation of a pilot program to provide MPOs flexibility in the RTP adoption cycle from four years to up to every ten years. Such a change allows MPOs to more reasonably accommodate the costs associated with a new RTP. The pilot program would ideally be synced with the RTP adoption cycle in California.

For more detailed information and draft bill language, see Appendix C.

PROJECT DELIVERY

Improve the Buy America Waiver Process

Issue: The Buy America provisions of the Surface Transportation Assistance Act of 1982, 23 USC 313, state that the Secretary of Transportation "shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act... unless steel, iron and manufactured products used in such project are produced in the United States." While the San Joaquin Valley supports the tenets of the Buy America Act, a more common-sense application of the provisions in law and regulation is needed to ensure project delivery is not delayed. For example, necessary components of fleet vehicles

or construction materials such as the bristles on a street cleaning truck are often not manufactured domestically due to the production costs or resource availability. As a result, recipients of FHWA and FTA grants to purchase certain vehicles or materials must complete a Buy America waiver to receive funds. Recently, the review and approval of Buy America waivers have been significantly delayed, often resulting in grant recipients forfeiting the award and losing the opportunity to leverage federal funding.

Solution: The San Joaquin Valley recommends the (1) implementation of the exceptions to Buy America proposed previously by FHWA in Federal rule making and reinstate the waiver process to ensure transportation projects are progressing without significant delays; (2) development of clear guidelines on exceptions at the Federal level to create a consistent nationwide application of rules and reduce the burden, delays, and resources expended over small percentages of materials.

Categorical Exclusions for C-Listed Projects

Issue: Despite its authority to do so under NEPA delegation from the Federal government, Caltrans typically requires unnecessary documentation/studies to approve Class “C” categorical exclusions (CE) for routine transportation maintenance and operational projects. This issue can be addressed through language revisions to the memorandum of understanding that FHWA and Caltrans jointly approve granting CE authority.

Solution: The San Joaquin Valley MPOs request the following change in language to the MOU between FHWA’s California Divisions and Caltrans for its pending May 2019 renewal:

Proposed MOU wording mark up (IV.B2):

IV. State performance requirements

B. Processing projects assigned under this MOU – State identification, documentation, and review of effects...

2. *For CEs other than those designated in 23 CFR 77.117(c), ~~carry out a review of CE determination for CEs, including those designated in 23 CFR 77.117(c),~~ carry out...*

This change is consistent with the cited federal regulations as of September 26, 2018, as well as wording in the federal MOU template and MOUs from all other states that have assumed responsibility for categorical exemptions.

For more detailed information and proposed language, see Appendix B.

AIR QUALITY

Reduce Plans Required for New Air Quality Standards

Issue: Every five years, the Clean Air Act requires that EPA review and update air quality standards. The transition between standards is chaotic and leads to a number of overlapping plans with different

milestones and attainment dates. In the Valley, there has been as many as 6 active plans and as many as 4 in development in as few as 2 years.

Solution: When a new standard is published, the old standard for that pollutant should be subsumed. States should be allowed to develop a single attainment plan that harmonizes increments of progress and other milestones without allowing for any rollback or backsliding.

APPENDIX – A

FARM-TO-MARKET ROUTES

REQUEST:

Working with Congressional Transportation Committee staff and the USDA, the SJV transportation planning agencies will develop the necessary policy elements for a pilot funding program in the next transportation bill to maintain critical farm-to-market routes that endure disabling truck traffic.

BACKGROUND:

The United States is the third leading agriculture producer in the world after China and India with over \$374 billion worth of commodities produced in 2017. The US is also the world's leading exporter of agricultural goods with over \$144 billion worth of commodities exported around the world in 2017. There are over 2 million farms in the US employing 925 thousand people. The top ten agriculture producing states in 2017 where: California (13.4%), Iowa (7.2%), Texas (6.1%), Nebraska (5.7%), Minnesota (4.6%), Illinois (4.4%), Kansas (4.2%), North Carolina (3.1%), Wisconsin (3.0%), and Indiana (2.8%) according to the USDA Economic Research Service.

The San Joaquin Valley is the most productive agricultural region in the world, producing over 360 ag commodities. It is the heart of California's robust agricultural economy and is a leading producer of almonds, tomatoes, grapes, milk and many others. In 2017 the eight San Joaquin Valley Counties produced \$32 billion worth of agricultural commodities combined.

Thousands of Valley farms ship millions of pounds of crops to market every week that travel on local, county and city roads to connect to the state highway system. Unlike other agricultural goods with a short, defined harvest season, dairies must transport their products off site every day, causing significant strain on frequently traveled roadways and accelerating pavement degradation. According to Caltrans, a fully loaded dairy truck can weigh up to 80,000 pounds. A roadway carrying 500 trucks per day is comparable to 5 million passenger cars trips per day.

Many of the San Joaquin Valley counties are concerned about the localized impacts to our roads while Valley-produced commodities are transported for global consumption.

SOLUTION:

The San Joaquin Valley transportation planning agencies will work with the Congressional Transportation Committee and USDA to identify and quantify the most crucial elements of a pilot program for the next transportation bill to assist with maintaining those farm-to-market routes deemed crucial for interstate and international commerce.

BUILDING A 21ST CENTURY INFRASTRUCTURE

NATIONAL FARM-TO-MARKET ROUTES REHABILITATION PROGRAM

- (a) In General. The Secretary shall establish a \$1 billion Farm-To-Market Routes Rehabilitation Program out of the Highway Trust Fund upon ratification of BUILDING A 21ST CENTURY INFRASTRUCTURE bill.
- (b) Grants. To carry out this program, the Secretary shall apportion to the states by percent proportional to the state's agricultural/forestry/mining production nationally. Maximum apportionment \$100 million.
- (c) Eligibility. To be eligible for program funds the Farm-To-Market Route shall
 - (1) be located outside a Census designated UAs
 - (2) not be designated as an interstate nor as a state highway
 - (3) have a minimum average daily truck count of 300 trucks per day
 - (4) be a pavement rehabilitation project
 - (5) be at least 2 centerline miles in length
 - (6) have a minimum 50% local match
- (d) Performance. Funds must be obligated within two years of apportionment and be closed out within five years otherwise a use it or lose it provision is triggered resulting in a re-apportionment of the balance to the other states.
- (e) Report. Not later than 90 days after the close of each FFY, the states must submit a report to the Secretary detailing the results of the program using at a minimum the following metrics:
 - (1) Map indicating the Farm-To-Market Route segments rehabilitated
 - (2) Total miles rehabilitated
 - (3) Cost per mile rehabilitated
 - (4) Total obligated program funds
 - (5) Total un-obligated program balance
- (f) Constraints. The cost per mile for the federal contribution shall not exceed:
 - (1) Reconstruction: \$1 million per lane mile
 - (2) Resurfacing/Overlay: \$500,000 per lane mile
 - (3) Chip seal: \$50,000 per lane mile
- (g) Definitions. In this section:
 - (1) Urbanized Area (UAs). US Census Bureau definition of urbanized area with population over 50,000
 - (2) Truck Classified Counts. US DOT FHWA definition of vehicle classification. Class 5 – Class 13 are eligible for Farm-To-Market program

APPENDIX – B

Categorical Exclusions for C-listed Projects

ISSUE:

Despite its authority to do so under NEPA delegation from the Federal government, Caltrans typically requires unnecessary documentation/studies to approve Class “C” categorical exclusions (CE) for routine transportation maintenance and operational projects. This issue can be addressed through language revisions to the memorandum of understanding that FHWA and Caltrans jointly approve granting CE authority.

BACKGROUND:

Categorical exclusions (CEs) are categories of actions that have been determined not to have a significant effect on the human environment either individually or cumulatively. In its regulations for National Environmental Protection Act (NEPA) implementation, the Council on Environmental Quality (CEQ) directed all federal agencies to adopt procedures for identifying actions that are categorically excluded, e.g., that normally do not require either an environmental impact statement or an environmental assessment. Pursuant to CEQ's regulations, the Federal Highway Administration (FHWA) has defined categories of actions that do not involve significant environmental impacts. These actions are defined in 23 CFR 771.117.

Under 23 CFR 771.117, CEs are divided into two groups based on the action's potential for impacts. The first group consists of categories of actions that experience has shown almost never cause significant environmental impacts. These categories involve minor construction activities and activities that do not lead to construction. They are listed in subsection (c) of 23 CFR 771.117 (Class “C”). These actions are automatically classified as CEs, except where unusual circumstances occur. The determination that the action is excluded must be documented by the completion of the CE/CE form.

The second group of CEs consists of actions that normally do not involve significant impacts, but may, depending upon circumstances, have the potential to cause significant environmental impacts (Class “D”). These projects require potentially expensive environmental studies and documentation to verify environmental impacts.

Treating C-type CEs as though they require the same documentation and standards of analysis as D-type exemptions delays local projects unnecessarily and requires federal funds to be used inappropriately on studies that are not federally required rather than on construction activity for which they were intended.

A May 31, 2016 memorandum of understanding among the Federal Highway Administration, California Divisions and the California Department of Transportation allowed the State to assume responsibility for categorical exclusions. That MOU is due to be renewed in May 2019.

Despite its authority to do so under a pilot program delegating NEPA certification approval to certain states, the California Department of Transportation (Caltrans) typically declines to approve CE forms out of legal liability concerns, despite FHWA rulemaking regarding CE dispositions.

The renewed MOU should include language that requires Caltrans to approve Class “C” CEs and therein releasing the State from legal liability for those actions.

ACTION:

The San Joaquin Valley requests the following change in language to the MOU between FHWA’s California Divisions and Caltrans for its pending May 2019 renewal:

Proposed MOU wording mark up:

- IV. State performance requirements
 - B. Processing projects assigned under this MOU – State identification, documentation, and review of effects...
 - 2. *For CEs other than those designated in 23 CFR 77.117(c),* ~~carry out a review of CE determination for CEs, including those designated in 23 CFR 77.117(c),~~ carry out...

This change is consistent with the cited federal regulations as of September 26, 2018, as well as wording in the federal MOU template and MOUs from all other states that have assumed responsibility for categorical exemptions.

APPENDIX – C

SMART Transportation Planning Pilot Program

SUMMARY:

Metropolitan Planning Organizations (MPOs) are required to submit long range plans for federal highway and transit improvements pursuant to 23 U.S.C. 134 and 49 U.S.C. 5303. These plans are comprehensive. They identify the upcoming transit and transportation projects, the existing facilities within the MPO, past and future environmental mitigation for transportation projects, and address the operational, management and capital investment strategies of the organization.

These long range plans are known as Regional Transportation Plans (RTPs) and are required by federal code to be updated every four years. The federal government provides planning funding for this update to take place, but given the growing complexities required to complete RTPs, this funding is inadequate to pay for the full update. This requires local funds be spent to complete the Plans, and leaves insufficient planning funds available to do the numerous other types of planning efforts needed to have an effective transportation system, such as: Corridor Studies, Active Transportation Plans, Transit Development Plans, Traffic Model Enhancements, Complete Streets Plans, and others.

As it stands, the proposal is to create a pilot program of 40 MPOs that would be allowed the flexibility to determine the frequency of updating their RTPs. These MPOs would not be bound by the requirement to update every four years, but would have a maximum period of ten years. The proposal is permissive in nature, so that any participating MPO would be allowed to continue to update the RTP every four years if they decided that was the best time frame.

The planning funding for the RTP would then become available to pay for the other types of planning efforts that the participating MPOs select. This flexibility is advantageous for MPOs to focus on the planning efforts that best meet their needs and be able to get in all the planning that they need in order to be successful. That is why we see growing support at the federal, state and regional levels, for letting local planners determine the most appropriate timeframe for conducting RTP studies.

We also want to make you aware of two additional proposals that would strengthen the RTP process:

- Impose eligibility requirements for participation in any program that extends the life of RTPs.
 - Generally, this means a participating MPO must be in good standing with the Federal Government, in order to receive a lower planning burden.
- Implement an on-going evaluation process for any MPO participating.
 - Federal agencies already conduct annual reviews of MPO's by federal agencies during budget preparations and audits, as well as every three years through extensive Certification Review Processes. This could also be a positive component if properly structured to avoid duplicating existing processes.

FREQUENTLY ASKED QUESTIONS (FAQ):

- Q: Would the proposal result in less planning funding from the federal government?
- A: No. There is no proposal to lose or give back any planning money available to MPOs. Under this proposal, if an MPO decided to extend the update period, it could then use the planning money saved for conducting other planning efforts like corridor plans, active transportation plans, transit plans, etc.
- Q: What if my MPO didn't want to extend their timeline?
- A: No Problem. Simply chose not to.
- Q: Would any state requirements change too?
- A: No. Those would have to be addressed separately.
- Q: How to we insure that good planning take place in a region without the RTP updated as often?
- A: Each MPO would be able to determine how best to use their planning funds, and with the new flexibility, would be empowered to tailor their planning efforts to the size and needs of their respective regions. This would inevitably lead to better and more effective planning.
- Q: What type of safeguards would be in place to protect the system?
- A: As part of the Pilot Program, regions would need to prepare reports with analysis of indicators showing how well the program is working. This type of feedback would help the federal government make periodic adjustments to the program to address unforeseen issues that may come up.

DRAFT BILL LANGUAGE:

See attached draft bill for the SMART Transportation Planning Pilot Program.



INFORMATIONAL ITEMS – January 25, 2019

E.1. Caltrans Report

Sharri Ehlert (District 6 Director) and Dan McElhinney (District 10 Director), or their representatives, may be in attendance to provide an update and answer any questions.

E.2. 2019 Annual Policy Conference

Terri King, Executive Director of the Kings County Association of Governments, will provide a brief update and be available to answer any questions. The 14th Annual Policy Conference is scheduled for May 8 – 10, 2019 at the Tachi Palace Hotel in Lemoore.

E.3. Rural Transit Alternatives Study/ARB Grant

The Valley MPOs in coordination with San Joaquin Valley Air Pollution Control District, UC Davis Institute for Transportation Studies, and other valley Partners were awarded \$2.2 million in 2017 to implement alternative mobility options identified in a previous Caltrans Planning Grant. The pilot implementation, Valley Go and Valley Flex, includes carsharing and ridesourcing in affordable housing complexes in the Dinuba, Cutler, and Orosi communities of Tulare County, and the Lamont-Arvin and Wasco communities of Kern County (Valley Go). A technology platform that enables improved efficiency for multiple independently operated demand responsive transportation services in jurisdictions in northeast Stanislaus and southeast San Joaquin counties are also part of the implementation (Valley Flex). To date, the following work items are being implemented:

- EV Connect was selected to install EV Chargers at Self Help Enterprises affordable housing communities in Tulare and Kern Counties. An additional/alternative site in Wasco, under construction by Kern Housing Authority, will also participate in the program (Valley GO, south valley). Installation of charging stations at six sites is occurring at this time. Three chargers in Tulare County and three chargers in Kern County.
- A RFP for a car sharing company was issued in September 2018. Negotiations are ongoing and now include Calvans as a potential partner.
- A RFP for a technology company to develop the software for Valley Flex (north valley) was issued in September 2018. Negotiations are ongoing with a potential vendor at this time.
- All Major work efforts are posted on the sjvcog's website: <http://sjvcogs.org/rural-transit-needs-related-projects/>

Michael Sigala will be available to answer any questions.

E.4. California Partnership for the San Joaquin Valley

Ismael Herrera, Lead Executive, and or Frida Cardoza, may be in attendance to provide an update and answer any questions.



San Joaquin Valley *14th Annual Policy Conference*

Save THE *Date*

May 8-10, 2019

Lemoore, CA

Tachi Palace Hotel

Registration & hotel reservations will open in early February.
Check in for more information coming soon at: www.sjvcogs.org

HOSTED BY:



SPONSORSHIP OPPORTUNITIES AVAILABLE

For more information contact:
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916-489-1629
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