

**FIXING AMERICA'S SURFACE TRANSPORTATION (FAST) ACT IMPLEMENTATION WORKING GROUP
MEETING NOTES – January 26, 2016**

Start Time: 3:00 pm

End Time: 3:55 pm

In-Person Attendees: Giles Giovinazzi, La Nae Van Valen, Dee Lam, Fardad Falakfarsa, Melissa White, Eric Thronson, Dawn Cheser, Will Ridder, Ann Mahaney, Lonora Graves, Mike Duman, Steven Keck, Kevin Atkinson, Rick Backlund, Lilibeth Green, Muhaned Aljabiry, Elaine Houmani, Chris Lee, Michael Johnson.

Remote Attendees: Scott Nicolson, Randall Echevarria, Michael Pimentel, Tim Schott, Sarkes Khacheck, Thomas Schriber, Andrew Knapp, Kiana Buss, Pat Robertson, Patrick Louie, Kiana Buss, Keith Dunn, Bob Brown, Jennifer Whiting, California Transit Association, CalAct, LA County Metro, Ventura County CTC.

ACTION ITEMS:

| Responsible | Action Needed | Due Date |
|--------------------|---|-------------------|
| External Partners | Contact the FAST Act Implementation Technical Working Sub Group leaders directly to provide the names of the nominated subject matter experts to join the respective working subgroups (cc Giles Giovinazzi). | Friday, 1/29/2016 |
| Subgroup Leaders | Complete the "Identify Issues" column B on the technical working subgroup <u>spreadsheet</u> as a team and prepare to brief the implementation working group at the next meeting. | Tuesday, 2/9/2016 |

INTRODUCTION:

- Welcome all attendees
- Caltrans FAST Act discussion draft fact sheets, working group meeting schedule, implementation proposal working subgroups, and meeting minutes are posted online:
http://www.dot.ca.gov/hq/transprog/map21/map21_implementation.htm

FHWA UPDATE:

- Safety performance measure is scheduled for rule release this month (tentative).
- System performance notice of proposed rulemaking is still on hold.
- The remaining performance measures are scheduled for final rule this summer (tentative).
- FHWA commended Caltrans for taking proactive measures to draft discussion fact sheets which will be distributed for comments.
- FHWA has set self-imposed deadlines and are working hard on policy guidance, implementation documents, legislative references, controls, program eligibility, funding distribution, etc.
- FAST Act bill passing happened fast, but not all implementation issues are ready. There is not a definitive timeline for when FHWA will release policy guidance and implementation documents similar to the information developed for climate mitigation and air quality program when MAP-21 passed.

DISCUSSION OF FAST ACT IMPLEMENTATION PROCESS:

Draft discussion fact sheets:

- Caltrans received high-level comments from stakeholders before the holidays. The common focus areas are: core apportionment, funding splits, freight proposal implementation, and CEQA reciprocity.

- Caltrans subject matter experts took a hard look at the bill and drafted the discussion fact sheets with the consideration of and emphasis on external stakeholders' concerns and comments received.
- *TWO CAVEATS ABOUT THE DRAFT FACT SHEETS:*
 1. Draft fact sheets are not formal state administrative policy. Fact sheets are to help facilitate discussion with the goal to rework into agreed upon implementation proposal in the coming months.
 2. Draft fact sheets are not a substitute for FHWA guidance. Caltrans provided analysis and nuances as a state department of transportation, pending FHWA guidance.

Implementation Working Group Meeting Schedule and Subgroup Structure:

- Caltrans scheduled eight bi-weekly implementation working group meetings with an open door communication policy. The reason for setting eight meetings is because MAP-21 implementation proposal was drafted within that time frame.
- The vision for the subgroups is to nominate Caltrans subject matter experts as subgroup leaders and allow them to manage their own subgroups.
- The subgroups will have technical subject matter experts from local government.
- Caltrans set an implementation proposal target for early March 2016.

Subgroup Program Areas and Working Group Comments:

1. *Overall Funding Split Determination All Programs – Leads: Steven Keck and Bruce De Terra*

2. *National Highway Performance Program (NHPP) – Leads: Fardad Falakfarsa and Scott Nicolson*

- The nominated subgroup leads are from Caltrans Division of Budgets.
- Expanded eligibility to on-system bridges not on National Highway System; therefore, Caltrans tagged bridge subject matter experts to join subgroup.
- Concern: Caltrans does not have authority to do funding distribution as this is a Commission resolution. We need to agree on funding apportionment to roadways, funding split. This may have far reaching implications like allowing NHPP funds on lesser class routes which will affect performance. Suggest to carefully discern authority of the teams vs Commission vs Feds.
 - The above concern is an illustrative example of the depth of the policy discussion needed from technical subject matter experts within subgroups. Subgroups to discuss guidelines, eligibility, any federal restrictions, state legislation. After discussion, subgroup may need to revise white paper/fact sheet.
 - The point is for the subgroups to discern the needed policy direction whether or not there is a need to lobby for federal or state legislation.

3. *Surface Transportation Block Grant Program (STBG)/STBG Bridge Set Aside /Transportation Alternatives Program (TAP) – Leads: Muhaned Aljabiry and John Hoole*

- Should STBG and TAP be split up because both are significant programs?
 - One suggestion was to have STBG subgroup meet once and then determine if a separate TAP subgroup is needed.
 - Subgroup lead to report on decision whether to separate or consolidate STBG/TAP at the next meeting.
 - There is a possibility that we could lose context if we do not know the whole program. We should be in close communication to maximize on all opportunities.
 - Can MPOs set aside funding for larger TAP program and what are the implications to California?

- State law determines formula for STP fund distribution. It would require new state law if we have a new process. The recommendation is to stay with current mandate and process.

4. *Congestion Mitigation and Air quality (CMAQ) – Lead: Muhaned Aljabiry*

5. *Metropolitan Planning (MP)- Lead: Andy Knapp*

- Expanding white paper (fact sheet) to include state *and* partner perspective; work together to develop implementation steps.

6. *Highway Safety Improvement Program (HSIP) – Leads: Thomas Schriber and Joe Rouse*

7. *National Highway Freight Program (NHFP) – Leads: Joanne McDermott and Cameron Oaks*

8. *NEPA and Environmental Review Provisions – Lead: Jennifer Heichel*

9. *At-Risk Preliminary Engineering – Lead: John Hoole*

- There was one stakeholder comment regarding at-risk preliminary engineering. Contact subgroup lead.

10. *Rail and Mass Transit – Lead: Brian Travis*

11. *Tribal Issues – Lead: Lonora Graves*

Conclusion:

The working group approved of the subgroup structure, programs, and timeline.

GENERAL DISCUSSION ITEMS:

- How will FHWA coordinate timing on final rules and our proposals in March?
 - Start the process and discussion to work through issues.
 - Suggest that the proposals be broad in anticipation of FHWA guidance.
- There is a concern that the working group is not fully informed in order to establish policy. May have to reverse policy when FHWA rules are finalized.
 - In the past, we worked on performance measures, planning, and programming before receiving final rule.
- What is limiting or holding back programming related state/local splits for significant projects in the regions? Region has advanced 2017 TIP funds, are in the third ATP cycle, eight STIP projects subject to awards. What are the implications as we wait for new rules?
 - Caltrans provides estimates for the next four years using current information and continues to use the same split methodology as MAP-21 for the time being.
 - MPOs to adjust when there are new rules. We will continue to communicate and have discussions as we move forward – nothing stops.
- CTC's role is important. Allow CTC to comment and inform and be cognizant of the authority touch points that affects Caltrans.
- Who is the audience for the proposals?
 - The audience will depend on what policy is proposed. For example, if the proposed policy requires legislative fixes, then ultimately the audience would be the legislature. Other workable solutions may be done administratively here at Caltrans.
- How to get consensus from all stakeholders from different governing bodies?
 - Consensus is best. Where there is no consensus, collect pro and cons, elevate where needed, understand all perspectives, and let the discussion take place.