# FIXING AMERICA’S SURFACE TRANSPORTATION (FAST) ACT IMPLEMENTATION WORKING GROUP MEETING NOTES – February 9, 2016

**Start Time: 4:03 pm**

**End Time: 4:45 pm**

**In-Person Attendees:** Kome Ajise, Giles Giovinazzi, La Nae Van Valen, Dee Lam, Brian Travis, Joanne McDermott, Steve Zimrick, Bill Higgins, Jack Lord, Bruce de Terra, Lonora Graves, Fardad Falakfarsa, Ann Mahaney, Jannette Ramirez, Jose Osegueva, Mike Duman, Matt Schmitz, Scott Nicolson, Ted Link-Oberstar, Louis Mirante, Melanie Perron, Joe Rouse.

**Remote Attendees:** John Hoole, Andrew Knapp, Jennifer Heichel, Melissa White, Keith Dunn, Sarkes Khacek, LA County Metro, Fresno Council of Governments, High Speed Rail, California State Association of Counties, Sacramento Area Council of Governments, California Transit Association, Self-Help County Coalition, Metropolitan Transportation Commission, Southern California Association of Governments, CalACT, Urban Counties Caucus, San Diego Association of Governments, Tahoe Metropolitan Planning Organization, Calaveras County, Trinity County, Placer County Transportation Planning Agency, League of CA Cities, LA Metro

## ACTION ITEMS:

| **Responsible** | **Action Needed** | **Due Date** |
| --- | --- | --- |
| Subgroup Leaders | Continue to complete the **“Identify Issues”** column B on the technical working subgroup [spreadsheet](http://www.dot.ca.gov/hq/transprog/map21/map21_implementation.htm) with team members and prepare to brief the full implementation working group at the next meeting on 2/25/2016. | Thursday, 2/25/2016 |
| External Partners  | Contact the technical working subgroup leaders directly to provide the names of members to join the respective working subgroups (cc Giles Giovinazzi). | Thursday, 2/25/2016 |
| Giles Giovinazzi | Continue to coordinate with subgroup leaders to update subgroup members list and post on the [Caltrans Fast Act Implementation](http://www.dot.ca.gov/hq/transprog/map21/map21_implementation.htm) webpage.Post links to [FHWA FAST Act webpage](https://www.fhwa.dot.gov/fastact/factsheets/), [USDOT FAST Act webpage](https://www.transportation.gov/fastact), and [FTA FAST Act webpage](http://www.fta.dot.gov/FAST.html) on [Caltrans FACT Act Implementation webpage](http://www.dot.ca.gov/hq/transprog/map21/map21_implementation.htm). | Thursday, 2/25/2016 |

## INTRODUCTION:

* Welcomed and thanked all attendees.
* Caltrans FAST Act Implementation Working Group meeting notes are posted online: <http://www.dot.ca.gov/hq/transprog/map21/map21_implementation.htm>
* Subgroup leaders to reach out to members and hold team meeting(s) to best complete the “Identify Issues” column B on the technical working subgroup [spreadsheet](http://www.dot.ca.gov/hq/transprog/map21/map21_implementation.htm) as a team before the next full implementation working group meeting. Ultimately, anticipated implementation proposals will come from the subgroups by March 2016.
* The standard format for the full implementation working group meeting will include update from FHWA, update from technical working subgroup leaders, and general discussion.
* As clarified in the last meeting, FHWA to guide and inform discussions before implementation.

## FHWA UPDATE:

* FHWA distributed new fact sheets that are posted on the FHWA Fast Act webpage: <https://www.fhwa.dot.gov/fastact/factsheets/>
* FHWA fact sheets include technical information that will be very helpful for subgroups.
* [FTA](http://www.fta.dot.gov/FAST.html) and [USDOT](https://www.transportation.gov/fastact) also produced fact sheets.
* List of FHWA fact sheets:
	+ Apportionment - [apportionmentfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/apportionmentfs.pdf)
	+ Congestion Mitigation and Air Quality Improvement Program - [cmaqfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/cmaqfs.pdf)
	+ Federal Share - [federalsharefs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/federalsharefs.pdf)
	+ Highway Safety Improvement Program - [hsipfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/hsipfs.pdf)
	+ Metropolitan Planning - [metropolitanplanningfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/metropolitanplanningfs.pdf)
	+ National Highway Freight Program - [nhfpfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/nhfpfs.pdf)
	+ National Highway Performance Program - [nhppfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/nhppfs.pdf)
	+ Railway-Highway Crossings Program - [railwayhwycrossingsfst.pdf](https://www.fhwa.dot.gov/fastact/factsheets/railwayhwycrossingsfst.pdf)
	+ Surface Transportation Block Grant Program -  [stbgfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.pdf)
	+ Transportation Alternatives - [transportationalternativesfs.pdf](https://www.fhwa.dot.gov/fastact/factsheets/transportationalternativesfs.pdf)
* Notice of funding availability for the FAST Act “Nationally Significant Freight and Highway Projects Program” and also TIGER coming soon:
	+ Discretional grant programs on schedule to be awarded before Labor Day.
		- Understand state has to act fast to complete applications, ramp up, organize before federal fiscal year end.

## SUBGROUP UPDATES:

### National Highway Performance Program (NHPP) – Fardad Falakfarsa

* E-mailed subgroup members for comments on using and/or modifying 23 USC 119.
* Awaiting team comments and the team meeting to be scheduled accordingly.

### Surface Transportation Program Block Grant Program (STBG)/STBG Bridge Set Aside/Transportation Alternatives – John Hoole

* Scheduled team meeting for 2/11/2016 @ 11 AM.
	+ Focus on distribution alternatives and open up to group discussion.
	+ Discuss and determine if TAP should move to a separate subgroup.

### Congestion Mitigation and Air quality (CMAQ) - Muhaned Aljabiry (not present)

* Rescheduled update for the next full working group meeting.

### Metropolitan Planning – Andrew Knapp

* Plan to draft an introductory e-mail to reach out to subgroup members on 2/10/2016.
* Team to discuss MPO focused issues in addition to Caltrans issues included in the white paper.

### Highway Safety Improvement Program (HSIP) – Joe Rouse

* Thomas Schriber will not lead HSIP subgroup as he is on a special assignment in District 7.
* Main change/issue: HSIP now does not allow HSIP funds for non-infrastructure projects.
* Plan to reach out to the subgroup in the next few days to solicit other issues.

### National Highway Freight Program (NHFP) – Joanne McDermott

* Plan to e-mail the subgroup at the end of week to solicit issues.

### NEPA and Environmental Review Provisions – Jennifer Heichel

* Need to reconcile subgroup list with Giles.
* Plan to schedule subgroup meeting shortly.
* Key issue: New CEQA for NEPA program extends the statute of limitations for lawsuits under the program to two years rather than 150 days under the existing process putting projects and funding at risk. This may be the most challenging issue.
* Background: This is a new program for eliminating duplication of environmental reviews.
	+ Under this new alternative process, a state may elect to substitute one or more laws of the state (primarily CEQA) for NEPA.
	+ Statute of limitations went from 6 years to 180 days to 150 days and now it is two years under the new process.
	+ The new process is not retroactive; it will apply to new projects.
	+ This will be an involved process: rule making, commenting period, Caltrans to apply for program, issue new guidance and new processes, etc.
	+ There may be gaps between CEQA and NEPA.
	+ It is envisioned to be a CEQA document with federal compliance added.

### At-Risk Preagreement Authority – John Hoole

* Fairly small group including FHWA.
* Scheduled subgroup meeting for 2/16/2016 to brainstorm and troubleshoot federal guideline effects on database.
* The correct name is At-Risk Preagreement Authority as stated in the draft language.

### Rail and Mass Transit – Brian Travis

* Sent initial contact e-mail.
* 5310 Program: started consultation with large urban areas.
* 5339 Program: some larger urban areas may receive funding directly. Transit agencies should notify Caltrans. Need to determine how to handle discretionary competitive piece.
* Received questions about non-FAST Act grant process and safety rulemaking.
* FTA has published their apportionment tables.
* Have not seen FRA fact sheets yet.

### Tribal Issues – Lonora Graves

* E-mailed initial contact and will add more members. Plan to hold a meeting in the next week.
* FAST Act includes more funding and flexibility for tribes.
* FAST Act offers many new opportunities for tribes and the state to partner and collaborate.

## GENERAL DISCUSSION:

*Earmark redirection:*

* Earmark redirection is in the Omnibus Appropriations Act not the FAST Act.
* Caltrans Local Assistance is taking the lead.
	+ Caltrans Local Assistance is working on the issue and is looking to possibly form a subgroup.
	+ There is some flexibility in the Omnibus Act - pending FHWA guidance.
	+ FHWA hopes to have something in the next two weeks. The challenge is that earmarks are coming through different legislation so there is extensive research needed to avoid violation.
	+ An official list of earmarks has not been authorized.