# FIXING AMERICA’S SURFACE TRANSPORTATION (FAST) ACT IMPLEMENTATION WORKING GROUP MEETING NOTES – April 20, 2016

**Start Time: 3:00 pm**

**End Time: 3:45 pm**

**In-Person Attendees:** Giles Giovinazzi, Mike Duman, Ray Zhang, Bruce deTerra, Muhaned Aljabiry, Fardad Falakfarsa, Eric Thronson, Dawn Cheser, Jose Oseguera , Steven Keck, Erin Thompson, Jackie Hodaly, Katie Benouar, LaNae Van Valen.

**Remote Attendees:** Sarkes Khachek, Sharon Scherzinger, California Bicycle Coalition, California Transit Association, Mitch Weiss, CHSR, Ted Link-Oberstar, Placer CTPA, Urban Counties Caucus, CSAC, Jack Lord, CalACT, Lilibeth Green, California Legislature/Transportation, CALCOG, Thomas Schriber.

## ACTION ITEM:

| **Responsible** | **Action Needed** | **Due Date** |
| --- | --- | --- |
| Thomas Schriber | Provide a briefing on the released Final Safety Performance Management Rules at the next meeting. | Tuesday, May 3, 2016 |
| Giles Giovinazzi | Include non-motorized safety metric discussion at the next meeting. | Tuesday, May 3, 2016 |

## INTRODUCTION:

* Giles welcomed all attendees and introductions completed.
	+ The April 6th meeting was cancelled; however, the May 3rd meeting is still scheduled to be held, and another meeting can be added if needed.
	+ The meeting notes from previous meetings, though delayed, will still be posted on the webpage.

## GENERAL UPDATE:

* Performance Management 3 (System Performance/Freight/CMAQ) NPRM copy published by FHWA.
	+ Caltrans will conduct statewide outreach on its draft comments.
* FASTLANE Grants have been submitted and letters of support have been written.
* TIGER Grants are due April 29th.
* Division of Local Assistance’s Memo regarding Earmark Repurpose was provided in the meeting notice.
* Thomas Schriber to provide a briefing on the Final Safety Performance Management Rules at the next FAST Act Implementation Working Group meeting on May 3rd.

## FHWA UPDATE:

* Mike Duman reported that progress is being made and questions are being answered.
	+ FAST Act Questions and Answers are posted on the FHWA website.
	+ Next NRPM (Performance Management 3 (System Performance/Freight/CMAQ)) will be approximately 400 pages, one of the largest to be published.
	+ Comments are due August 20, 2016.
	+ Webinars will begin this week on April 21st.

## FEEDBACK ON FAST ACT IMPLEMENTATION PROGRAMMATIC APPORTIONMENT DISTRIBUTION CHART PROPOSAL:

Giles requested comments and opened the meeting for any discussion:

* CALCOG stated that the regions have not put forward their own apportionment funding proposal because they needed time to look at and understand funding issues. The Regions expect that their proposal will be substantially similar to Caltrans’ original 60/40 table – but the Freight apportionment funding split remains an issue to talk about because the regions still have concerns regarding the division of FAST Act Freight apportionment funding that Caltrans proposed on March 9.
* CALCOG suggested that the Regions were conceptually okay with status quo (i.e., a 60/40 state/local funding split), but wanted to keep Freight apportionment as a separate and unique program.
* The Regions (Sarkes Khachek/RTPAs; Bill Higgins/CALCOG and others) have been reviewing the funding apportionment table (the “60/40” table) that Caltrans provided on March 9, 2016 and getting questions answered. Proposals/changes to be submitted to Caltrans will include the following issues:
	+ Separate the Freight apportionment program from the 60/40 table and discuss the Freight apportionment program separately.
	+ Overall State funding regarding SP&R - believe the SP&R 2 percent takedown to programs affects actual funds available to locals; SP&R should be calculated primarily as a state expenditure in the 60/40 apportionment funding distribution.
	+ State penalty regarding repeat DUI offenders; want to identify how the penalty ($72 million) funds can be moved to the Active Transportation Program.
	+ Caltrans agreed that the Freight apportionment discussion should take place during a future conversation.
	+ The DUI penalty funds go to the NHTSA, then to the Governor’s Office of Traffic Safety, who has control of this program. This issue can be open for more discussion.
	+ A question was raised and discussed as to whether or not the CTC has voted to take a position or a vote on the Freight apportionment funding split. It was reported that CTC has not done so at this time.
	+ CSAC wanted to continue a discussion regarding bridge funding relative to the overall growth of federal programs. Caltrans inquired whether CSAC was working with the Regions on putting together a joint federal apportionment funding split proposal (in response to the Caltrans March 9, 2016 proposal), and CALCOG and the RTPAs confirmed that the Counties and the Regions are working together on a proposal that would address the bridge issues CSAC raised.
	+ Another consideration is to fix the drunk driving problem to avoid the DUI penalties, but this will require legislation.

## GENERAL DISCUSSION:

* Request for an update on next steps, the process, or any links for the Earmark Repurposing process in order to get a deeper understanding of the process.
* Ray Zhang, Local Assistance Division Chief provided a brief overview/update on the process:
	+ List of potentially eligible projects posted.
	+ Lower dollar figure available than originally anticipated.
	+ Earmark projects with more than 10 percent obligated have to be closed to be eligible for repurposing; therefore, not a lot of projects are meeting the requirements.
	+ Lists sent to RTPAs to work with project sponsors for a more realistic funding amount available.
	+ Due back to CTC May 6th after which there will be a better list to work with.
	+ Repurposing of earmark projects available only this federal Fiscal Year, and deadline for Caltrans to submit to FHWA is September 2016.
	+ No legislation is needed as this procedure is being processed at the administrative level.
	+ Website has additional information at:

<http://www.dot.ca.gov/hq/LocalPrograms/Earmark/index.htm>

* The discussion continued on the CTC’s involvement with this process regarding allocations and the deadlines involved.
* A concern was raised that the U.S. DOT Performance Management NPRM Webinar links are not working, and a high level overview or Fact Sheets should be made available for the 400 page NPRM:
	+ There will be a FHWA Fact Sheet (including summary) available as the Rulemaking process proceeds further.
	+ FHWA is also holding webinars (which are recorded for later viewing).
* Caltrans will be conducting outreach on the Performance Management 3 NPRM before it submits its comments:
	+ This outreach will probably still be in process by the May 3rd meeting.
	+ The California Bicycle Coalition raised a concern that no Bicycle or Pedestrian Performance Measures are included in Performance Management 3.
	+ Another question was asked how will Caltrans respond on congestion reduction Performance Measures regarding SB 743?
	+ Further question raised if there is a conflict between State and Federal on this issue.
	+ Giles suggested to include non-motorized safety (Performance Management 1) metric discussion at the next May 3rd meeting.

## SUBGROUP UPDATES:

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

* No changes or updates at this time.
* Final version posted.

### Surface Transportation Program Block Grant Program (STBG)/STBG Bridge Set Aside/Transportation Alternatives – Fardad Falakfarsa

* No change or updates at this time.
* Nothing received to date from the Regions.
* At this time, no need for the Subgroup to meet again.

### Congestion Mitigation and Air Quality (CMAQ) - Fardad Falakfarsa

* No changes or updates at this time.
* Answering any questions that are brought up.

### Metropolitan Planning – Erin Thompson

* No changes or updates at this time.

### Highway Safety Improvement Program (HSIP) – Thomas Schriber

* No changes or updates at this time.
* Anticipating May 3rd meeting update presentation.

### National Highway Freight Program (NHFP) – Cameron Oakes

* No updates.

### NEPA and Environmental Review – Jennifer Heichel

* No updates.

### At-Risk Preagreement Authority – John Hoole

* No updates.

### Rail and Mass Transit – Brian Travis

* No updates.

### Tribal Issues – Lonora Graves

* No updates.

## MEETING ADJOURNED:

* Continue to work through the 60/40 apportionment funding chart questions that were raised; anticipate a consensus on the apportionment split as suggestions are received on the implementation.
* White Papers will be updated as needed.
* Caltrans concluded the meeting with a reminder the next meeting is May 3rd.