

Group Memory  
Transportation Co-op Committee

January 23, 2020

Next meeting: March 12, 2020	March meeting to be held at Sacramento State University  All meetings to be held at Terminal A – 2 <sup>nd</sup> Floor, Media Room, Sacramento Airport (unless otherwise noted)
------------------------------	---

Attendees

Chris Benz-Blumberg, Patricia Chen, Shawn Cunningham, Woodrow Deloria, Boris Deunert, Pauline Dixon, Winton Emmett, Jaime Espinoza, Felicia Haslem, Daniel Hawk, Kelly Hobbs, John Hoole, Panos Kokkas, Chris Lee, Tom Mattson, Ross McKeown, Luke McNeel-Caird, Robert Neuman, Neil Peacock, Robert Peterson, Miguel Ramos, Patty Romo, Mark Samuelson, Paul Schneider, Mike Selling, Rick Tippet, Najee Zarif, Ray Zhang

Presenters: Paul Chung, Tina Lucas, Marsue Morrill, Tanisha Taylor, DRISI Team (Ryan Mak, Keith Chervunkong, Kamal Sah)

Notetaker: Susan Herman

Agenda Committee

Ray Zhang  
Patricia Chen  
Panos Kokkas  
Robert Newman

Desired outcome for March 2020 meeting:

See action list

Desired outcome for future meeting(s)

Bridge inspection team representative: discussion and interaction  
Discussion/presentation on D-4 and F-3 from doables list

Bin List & Great Ideas

Charter / PURPOSE - California Transportation Coop Committee serves to:

- Address transportation funding, procedural and legislative issues related to project delivery from a local perspective. (reviewed January 2020).
- Enhance the working relationship between cities & counties, COGs and RTPAs, Caltrans, CTC and FHWA. This extends to improving communication with all stakeholders. Collaboration is a key method. (reviewed January 2020)
- Spread information and improve access to all stakeholders through the use of technology. (reviewed January 2020)
- Partner with Caltrans and FHWA to improve efficiency and enhance the ability to meet all stakeholder needs. (reviewed January 2020)

Ground Rules:

Start on time. End on time or early.

Identify if you have to leave early and have an agenda item.  
 Consensus decisions. You must be able to live with it.  
 Keep side conversations silent.  
 Send alternate if you are not able to attend.

Upshot

These are the assignments made at the meeting. As new ones are added they will be appended to the list. As assignments are completed they will be lined out with a ~~strike through~~, but left on the list for one meeting. This will provide a running record of assignments made at these meetings.

From November 1, 2018

162	Ray/Rick	A&I will work with Local Assistance to see if there is anything that can be done for ICAP under the existing contracts local agencies have with the SCO. Rick will have his contact at SCO try and help. Overhead vs. Direct Charge  Will discuss also with CLC & Counties	<del>1/24/2019</del> <del>3/28/2019</del> <del>5/30/2019</del> <del>7/18/2019</del> <del>11/14/2019</del> <del>01/23/2020</del> 03/12/2020
-----	----------	--	--

From January 24, 2019

166	Tom M	Convene a work group for cities and counties, Caltrans and FHWA regarding emergency relief program. Determine what is working and what is not working. Share best practices. Work with Jason Nutt, Phil Doudar, Robert Newman, Bob Baca, Keaton Browder, and Miguel Ramos, Chris Lee and Ron Berdugo	<del>3/28/2019</del> <del>5/30/2019</del> <del>7/18/2019</del> <del>11/14/2019</del> <del>01/23/2020</del> 03/12/2020
-----	-------	--	--

From March 28, 2019

172	Ross M	Regarding doables list E4, Ross and Rick need to have a phone call with Phil Stolarski to discuss needed changes in the MOU. Report back on the outcome. NEPA Assignment; will work with Kelly Dunlap to receive clarification Agenda item #7 on 01/23/2020	<del>5/30/2019</del> <del>7/18/2019</del> <del>11/14/2019</del> <del>01/23/2020</del> 03/12/2020
-----	--------	--	--

From May 30, 2019

174	Ross M	<del>Work with FHWA on the Inactive Obligations report; waiting on response from FHWA</del>	<del>7/18/2019</del> <del>11/14/2019</del> <del>01/23/2020</del>
175	Miguel	Design Build in FEMA—is that allowed? Working to get FEMA attendance at TCC Meeting	<del>7/18/2019</del> <del>11/14/2019</del> <del>01/23/2020</del> 03/12/2020
177	Ray	Provide feedback on the proposal brought by the regional agencies; working with IT to access project funding by locals. ADA remediation in progress; data warehouse being looked at and use of Tableau; report on the tool in January	<del>7/18/2019</del> <del>11/14/2019</del> <del>01/23/2020</del> 03/12/2020

From September 26, 2019

<del>178</del>	<del>Robert P</del>	<del>On ER projects can EO projects get reimbursed before AC?— 10/28 DEA led Process and Policy review team has formed. Will be working on updates to the 327 NEPA MOU and changes to NEPA CE Determination documentation.</del>	<del>11/14/2019</del>
----------------	---------------------	--	-----------------------

179	Rick/Kelly/Tom/Najee	Workgroup – Environmental Review process Challenges; E4/E5 get a better picture of what the actual problems are	<del>01/23/2020</del> 03/12/2020
180	Rick T	<del>E4/E5 get a better picture of what the actual problems are</del>	<del>11/14/2019</del> 01/23/2020

From November 14, 2019: none

From January 23, 2020:

181	DEA, Kelly H.	Share draft NEPA Assignment MOU with cities and counties, RTPAs, Rural Counties Taskforce.	03/12/2020
182	DLA, Kelly H.	Solicit information from cities and counties about belabored environmental review timelines that can be attributed to NEPA assignment to the State	03/12/2020
183	Felicia H.	Clarify consultant selection process by comparing Public Contract Code and Government Code citations regarding procurement of A & E services. Are codes in conflict? Which code do locals follow when project funds pass through Caltrans for low-cost transportation projects?	03/12/2020
184	DLA, Robert P.	Gauge interest in de-federalizing phases of current cycle projects per SB 137	03/12/2020

Critique from this meeting:

What went well	What Needs Improvement
Note taking Attendance Break Good discussion	Use skylights in Air-Media conf. room Have all presenters use mic as standard practice

1	9:00	Introductions	All	
2	9:05	Ground Rules; Action Items; Review Agenda	Ray Zhang	Understand meeting process and status of action items / Discussion
3	9:15	Caltrans Update and HSIP/HBP Committee Update	Ray Zhang	Information Sharing

### Agenda Item 3. Caltrans Update and HSIP/HBP Committee Update

3. 1. Pauline Dixon is new on TCC—welcome
3. 2. Changes in Caltrans leadership include new director and chief deputy director. Retirements: Coco Briseño, Karla Sutliff, and Caltrans legal counsel. New planning deputy and chief engineer soon to be announced.
3. 3. Governor’s Executive Order on homelessness allows local agencies to lease state properties for homeless housing. Caltrans Local Assistance will help developing the necessary contacts.

- 3. 4. HSIP Update
  - 3. 4. 1. 192 local agencies requested time extensions; 97% were approved
  - 3. 4. 2. Form for requesting extensions helped with consistency and rapid approval
  - 3. 4. 3. FHWA will be doing training May-July; dates & locations soon to be finalized
  - 3. 4. 4. \$67M in AC was reimbursed to local agencies using federal funds
  - 3. 4. 5. \$150M is obligated for this year
  - 3. 4. 6. Cycle 10 call goes out in April (includes set-asides)
  - 3. 4. 7. LRSPs will be a requirement in Cycle 11; 145 local agencies have asked for funding to complete their LRSPs.
  - 3. 4. 8. Section 130 Program has moved to Robert's office. Fourteen projects will transition over. Program will change to focus on cash management flow; will help with creating a project pipeline.
- 3. 5. HBP Update
  - 3. 5. 1. \$76M has been obligated; if future years follow current trend, funds will be spent earlier and earlier each FFY
  - 3. 5. 2. Projects that have PE in 19/20 FFY need to get funds authorized this year. DLAEs and local agencies will receive reminders
  - 3. 5. 3. Demand is high—currently HBP is a 17 year program
  - 3. 5. 4. Post programming will open up in April
  - 3. 5. 5. Seismic projects not currently in construction (there are 45 of them) need project agreements in place by March 2020
- 3. 6. At-risk PE
  - 3. 6. 1. John Hoole noted that changes are being proposed to forms/manuals to allow local agencies to complete “at-risk PE.” This is a process where they can begin PE work without waiting for authorization.

4	9:30	RTPA Update	Patricia Chen	Information Sharing
---	------	-------------	---------------	---------------------

**Agenda Item 4. RTPA Update**

- 4. 1. RTPAs last met on December 4; SAFE Rule had just been adopted Nov 26 and was a focus of discussion
- 4. 2. Clark Paulsen from Caltrans budget office attended, and reported that Caltrans is tracking percentage increase in VMT and fuel consumption. Recently fuel consumption began tracking below VMT, indicating better fuel efficiency.
- 4. 3. Also discussed solutions for several programs (Local Streets & Roads, etc.)

5	9:40	CTC Update	Dawn Cheser	Information Sharing
---	------	------------	-------------	---------------------

**Agenda Item 5. CTC Update**

- 5. 1. Dawn was unable to attend so no report was provided

**Agenda Item 6. FHWA Update**

6. 1. Inactive rate 7.3%; goal is to get this down to 2% (normal for this time of quarter is 4-6%) due to many small projects
6. 2. Ross asked for suggestions for getting attention of cities in his MPO jurisdiction regarding inactive obligations: why not invoicing on a regular basis? One on one meetings might help illuminate reasons for not expending funds
6. 3. Paul is open to discussing positive solutions from the FHWA side, e.g. additional signatures
6. 4. List of inactive projects is available for local agencies to access
6. 5. Extension denials—there were a few; mainly for insufficient documentation
6. 6. Buy America sources for steel—include steel sourcing during design phase
6. 7. ROW program review results will be out in a few months: local agency ROW acquisition may be considered high risk in future
6. 8. 2017 repurposed earmark balances need to be obligated by Sep 30. About \$8.8M is currently un-obligated
6. 9. Timely obligations review. Timeliness is an FHWA internal measure to gauge whether local agencies are invoicing and being reimbursed within nine months of project authorization. First invoice determines timeliness status for lifetime of project. Review results are in. Report due end of January.
  6. 9. 1. State rate 90%; local rate 40%. State already has systems/processes that make timely obligations easier
  6. 9. 2. Average invoicing time for construction projects exceeds 9 month period
  6. 9. 3. Reason for low rate of timely obligations for local agencies? Interviewed agencies that are and are not doing well. LAPM form 5-A invoicing checklist notes amount invoiced must be 2% or \$1000, with case-by-case exception for inactivity. No specific guidance about invoicing every 6 months. Language will be added to the form to make this expectation clear and help agencies develop best practices.
  6. 9. 4. Message will go out via office bulletins in next 6 months; LAPM update will occur next year
  6. 9. 5. Systematic approach to info-gathering from 9 agencies, open conversations with agencies' invoicing personnel were very helpful.
  6. 9. 6. When CE costs are included on construction authorization, invoicing is simplified. Guidance will be forthcoming on this way to avoid inactivity in first year of project.
  6. 9. 7. Will work with Caltrans to no longer require award package before CE costs can be invoiced.
  6. 9. 8. No "consequences" for now—no specific regulation; education is the focus
  6. 9. 9. John noted the importance of invoicing every 6 months, including staff time; don't wait for contractors' bills.

7	10:00	NEPA Assignment MOU Renewal	Scott Williams & Chris Benz-Blumberg	Information sharing/Discussion
---	-------	-----------------------------	--------------------------------------	--------------------------------

**Agenda Item 7. NEPA Assignment MOU Renewal**

7. 1. Chris provided a presentation including timeline for renewing MOU and data on time savings accomplished since NEPA Assignment in 2007
7. 2. Suggestions solicited for 327 MOU changes (must comply with federal regs; FHWA has final say)
7. 3. Stakeholder outreach does not currently include cities and counties, RTPAs, Rural Counties Taskforce. Draft MOU is currently with Districts for comment and will be sent to FHWA in June 2020. Committee recommends including the above-mentioned stakeholders in comment period.
  7. 3. 1. Caltrans is currently in the process of updating the current 327 MOU. If you would like to provide feedback, please look at the current 327 MOU located on the Caltrans NEPA Assignment webpage ( <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/files/f0010319-mou.pdf>) and provide your suggestions by 2/28/2020 as we welcome feedback from our transportation partners. Contacts are Kelly Hobbs or Chris Benz-Blumberg of DEA, and they will compile the suggestions.
7. 4. Ross recommend using the federal template to avoid California having to do more than what federal regulations require.
7. 5. MOUs with Utah & Arizona excludes certain categories of CEs. Clause in current MOU with Caltrans includes CEs (except for non-infrastructure projects). Why the discrepancy?
7. 6. Scott invited info sharing from local agencies about longer environmental review timelines that they attribute to NEPA assignment to the State.

8	10:30	Project Development Design Guide	Paul Chang & Tina Lucas	Information Sharing/Discussion
---	-------	----------------------------------	-------------------------	--------------------------------

**Agenda Item 8. Project Development Design Guide**

8. 1. Paul Chang provided a PowerPoint about the HSM
8. 2. Some consultants are able to do HSM analysis
8. 3. How is HSM tied in to FHWA’s proven safety countermeasures?
8. 4. This information has been a long time coming—to ensure design decisions are based, rather than standards alone. This would be a good presentation to HSIP committee—will help Caltrans DLA staff make informed decisions when considering safety project applications from local agencies.

9	11:00	A & E Procurement for State funded projects	Marsue Morill	Information Sharing/Discussion
---	-------	---	---------------	--------------------------------

**Agenda Item 9. A & E Procurement for State funded projects**

9. 1. Marsue solicited questions about how A & E procurement works
9. 2. Public contract code (PCC) allows local agencies to work with pre-qualified consultants on contracts under a certain dollar threshold (~\$65K). Clarification needed regarding rules for

using federal-state money to procure services, equipment, materials for lower-cost road projects.

- 9. 3. Government code 4529.12 requires “all government employees” procuring architectural and engineering services to use a fair, competitive selection process. When money passes through Caltrans to the local agencies for small/inexpensive transportation projects (e.g. crosswalk flashing beacon), do local agencies follow Government Code or the PCC?
- 9. 4. County purchasing policies may differentiate between public works & non-public works projects in allowed consultant hiring processes. Consult attorney if in doubt.
- 9. 5. PCC does not spell out guidelines for A & E; follow Government code for A & E procurement. Code citations to be shared before consulting lawyers on interpretation of statute.
- 9. 6. Pre-qualification (RFQ) generates list of qualified contractors local agencies can choose from on an on-call basis; for what type of projects can the RFQ/on-call process be used? RFP and bidding process is too rigid—allows only one consultant. State-only funded projects do allow for shorter RFP process with on-call consultants.
- 9. 7. New legislation makes Independent Office of Investigations even more independent; Rhonda Craft is new Inspector General

10	11:30	Transportation System Network Replacement Project Updates	DRISI Team	Discussion/Feedback
----	-------	---	------------	---------------------

**Agenda Item 10. Transportation System Network Replacement Project Updates**

- 10. 1. What is needed from local agencies? Need to see what data agencies have. TSNR will also include a local portal so agencies can feed data in directly.
- 10. 2. No TSNR for transit systems, mass transit and rail.
- 10. 3. Can TSNR be used for responding to disasters? Not in plan but it could be used for this in future
- 10. 4. Working with Division of Planning on bike/ped data collection but will make sure not to
- 10. 5. Will public be able to access TSNR? State and local entities only for now; public functionalities possibly in future after security audit

11	1:00	Opening comments and purpose of the afternoon: annual planning session—Review the agenda	Ray Zhang	Opening Remarks
----	------	--	-----------	-----------------

**Agenda Item 11. Purpose of the Afternoon**

- 11. 1. Accomplishments in past year
  - 11. 1. 1. At-risk PE—good partnerships
  - 11. 1. 2. Good forum for addressing inactive obligations/timely obligations. Inactive obligations declined measurably
  - 11. 1. 3. SB 137 allowed more federal funding to be exchanged for state funds. This counts as progress in reducing “federal footprint,” as TCC has been advocating for some time.
  - 11. 1. 4. Great forum for discussion
  - 11. 1. 5. Code section allowing counties to hire consultants—progress toward resolution

- 11. 1. 6. ICAP
- 11. 1. 7. ER time extension turnaround improved
- 11. 1. 8. Getting data access project on radar screen
- 11. 1. 9. Allocation optimization designated as Lean Six Sigma project
- 11. 1. 10. Reduced turnaround time on PSA (was Lean Six Sigma)
- 11. 1. 11. Openness to new issues and willingness to resolve quickly
- 11. 2. Upcoming & Unfinished business for the TCC**
  - 11. 2. 1. Changes in NEPA will be critical
  - 11. 2. 2. SAFE Rule—stay on top of it
- 11. 3. Goals**
  - 11. 3. 1. Developing best management recommendations for FEMA & ER to work more similarly—provide input to standardize the two programs
  - 11. 3. 2. Keep ball rolling on making it easier for small agencies to take advantage of ICAP
  - 11. 3. 3. Generate ideas for reducing inactive obligation rates. Goal every quarter 2% (e.g., by invoicing for CE before award package).
  - 11. 3. 4. Improve timely obligation rates.
  - 11. 3. 5. SB 137 monitoring and reporting—if it shows good cost savings, have it buy out HBP program if possible
  - 11. 3. 6. Learn reasons why STIP process can't involve more detailed programming and simplified allocation step; legislative options for making this happen
  - 11. 3. 7. Reauthorization of federal transportation act—get ahead of changes to avoid surprises (unlike Buy America). Wish list includes:
    - 11. 3. 7. 1. Re-establishment of federal bridge program with new money
    - 11. 3. 7. 2. Maintaining federal lands programs
    - 11. 3. 7. 3. Having a 6-year federal TIP so MPOs can update TIP every four years instead of every two
    - 11. 3. 7. 4. Expand at-risk PE to at-risk everything
    - 11. 3. 7. 5. Extension of ER program from 2 to 6 years
    - 11. 3. 7. 6. Ability to federalize projects by phase or single phase only
  - 11. 3. 8. Keep abreast of legislative priorities that Caltrans is already lobbying for: California consensus principles
  - 11. 3. 9. Guide direction of bridge program



- 11. 3. 9. 1. Ray is discussing an HBP program management reform proposal with Secretary. Changes already in the works to make program more sustainable.
- 11. 3. 9. 2. Cost increases and poor initial cost assessments still having outside impact—sponsors need to have more skin in the game.
- 11. 3. 9. 3. Many bridges stay in PE phase for too long
- 11. 3. 9. 4. HBP is only program with no overall cap on federal funding per project
- 11. 3. 10. Online real-time queryable data access project

12	1:30	SAFE Rule	Tanisha Taylor	Information Sharing/Q & A
----	------	-----------	----------------	---------------------------

**Agenda Item 12. SAFE Rule**

- 12. 1. Tanisha provided a handout
- 12. 2. SAFE Rule Part I is finalized—California-specific waiver on air quality and transportation. SAFE Rule applies to non-attainment regions. California will not be able to mitigate all implications of SAFE Rule.
- 12. 3. RTPAs will provide advice on individual projects. If project is consistent with regional transportation plan scope & schedule, it should be able to move forward to construction. If a scope change resulting from environmental review requires that travel demand and air quality models need to be re-run, then it may not be able to move forward.
- 12. 4. EPA is working with FHWA on solutions for California
- 12. 5. CARB active litigation may go to Supreme Court
- 12. 6. Part II will be finalized in next 2 months. Regional transportation plan updates may be impacted
- 12. 7. Updating FTIP will require conformity determination
- 12. 8. Projects not currently in TIP but that are in regional transportation plan (based on previous emission analysis)—can these be put in the TIP? Tanisha will clarify and get back

13	2:00	SB 137	Robert Peterson	Information Sharing/Discussion
----	------	--------	-----------------	--------------------------------

**Agenda Item 13. SB 137**

- 13. 1. SB 137 gives Caltrans ability to exchange *up to* \$100M federal funds for State funds. Robert has presented to HSIP and HBP advisory committees.
- 13. 2. Caltrans will push for \$100M exchanged funds each year, consistently, so there is no annual wait-and-see.
- 13. 3. DLA will generate list of Cycle 9 projects that could be eligible for fund exchange
- 13. 4. Most efficient use of this will be in HSIP program; most HSIP projects are under \$2M. Much lower cost than bridge projects.
- 13. 5. Having State funds for HSIP projects may increase participation in non-BCR projects such as pedestrian beacons
- 13. 6. BPMP, scour, other HBP—75% of these projects are over \$2M. Project dollar demand on BPMP specifically? \$ amount not available; of 81 projects, 40 are under \$1M, 17 are between 1-2M, 24 are over \$2M.

- 13. 7. Both committees agree that priority should go to HSIP. \$72M to HSIP; remainder to HBP
- 13. 8. Allocation will be by phase. Dollar amount exchanges to be approved by CTC each FFY
- 13. 9. Language in legislation to consult with CLC and CSAC; letter from each executive director to certify agreement with proposal
- 13. 10. Transportation Policy committee in March will discuss/approve prioritization and implementation guidelines
- 13. 11. Most safety programs can use the exchange funding model going forward starting with Cycle 10
- 13. 12. Cycle 9 project with construction phase in 2021: is this phase eligible for the federal-state fund swap? Ray suggested gauging interest in de-federalizing phases of current projects.
- 13. 13. Bridge project cost increases have exposed need for better scoping documents. Ray suggested state money be used for pre-assessment studies for bridge projects.

14	2:30	Doable List—E5 & E6	Rick Tippett, Kelly Hobbs	Discussion/Action
----	------	---------------------	---------------------------	-------------------

#### Agenda Item 14. Doable List—E5 & E6

- 14. 1. Caltrans environmental group will analyze ways to improve environmental process in federally-funded projects. Doables items thus become subsumed into ongoing work within Caltrans. Kelly Hobbs continued discussion.
- 14. 2. Kelly Dunlap presented about NEPA policy and process review at last TCC meeting. NEPA assignment through 327 MOU
- 14. 3. Guiding documents are 327 MOU; Standard Environmental Reference; Chapter 6 LAPM
- 14. 4. California was first state to get delegation of NEPA responsibilities; early concern was that FHWA would take it back. CA leads the nation in number of environmental documents but not in innovation. Basic forms haven't changed in 12 years.
- 14. 5. DEA/DLA are partnering with steering committee; working group focusing on 4 main issues. Proposals due back to steering committee by end of 20204 areas in policy and process review:
  - 14. 5. 1. NEPA assignment MOU renewal; looking at models from other states. What does federal law require? Does our MOU go above and beyond federal law? Vague vs specific targets
  - 14. 5. 2. Annotated outlines—EAs and EISs are 25% of total workload
  - 14. 5. 3. Environmental document review 5-step process. No other state does this. Considering reducing complexity of this.
  - 14. 5. 4. Condense various checklists into fewer. Having to document a determination that no environmental study was needed. 60% of the 3.6 CE projects delivered by local agencies
- 14. 6. Philosophical change to empower associate- and journey-level staff to make field decisions, e.g. is a species list always required for a biologist to make a decision? Vs. CYA approach
- 14. 7. Sub-groups meeting regularly, began in November 2019. Proposals back to steering committee by June 30
  - 14. 7. 1. Studying what mitigations FHWA will pay for; Caltrans staff making decisions on reasonable expenditures

- 14. 7. 2. Limiting distance away from project site to study archaeological
- 14. 7. 3. Taking pressure off districts for monitoring & reporting to FHWA
- 14. 8. Strategic directions:**
  - 14. 8. 1. Develop risk-based preliminary environmental study (PES) process, reducing iterations
  - 14. 8. 2. Partner with local agencies so processes can be customized by region
  - 14. 8. 3. Develop specific criteria for bridge, safety, PR, e.g. to streamline when project has only operational right of way
- 14. 9. Comments:**
  - 14. 9. 1. adopt the simplest process, because California's CEQA will take care of the rest
  - 14. 9. 2. Focus only on areas where the state has been sued

15	3:30	Plan for 2020 Agendas	All	Brainstorming
----	------	-----------------------	-----	---------------

**Agenda Item 15. Plan for 2020 Agendas**

- 15. 1. See Goal list above

16	4:00	Meeting Wrap-up; evaluation, next steps	All	Close Out
----	------	---	-----	-----------

**Agenda Item 16. Wrap up**

- 16. 1. See new action items and What went well/Improve list

17	4:30	Adjourn		
----	------	---------	--	--

**Meeting adjourned at 4pm**