

Group Memory
Transportation Co-op Committee
July 23, 2020, 9:00am-12:30pm
Via WebEx

Next meeting

September 24, 2020 from 9:00am-12:30 pm

All meetings to be held at Terminal A – 2nd Floor, Media Room, Sacramento Airport (unless otherwise noted as WebEx)

Attendees

Dee Lam, Mark Samuelson, Dawn Cheser, Dan Hawk, Phil Doudar, Mike Selling, Tom Mattson, Richard Tippett, Patty Romo, Woodrow Deloria, Ronald Berdugo, Shawn Cunningham, Robert Newman, Arnold Dichosa, Jason Nutt, Kris Markarian, Siew-Chin Yeong, Boris Deunert, Ross McKeown, Patricia Chen, Dawn Cheser, Maura Twomey, Luke McNeel-Caird, Sarkes Khachek, Najee Zarif, Aimee Kratovil, Miguel Ramos, Robert Peterson, Robert Nguyen, Felicia Haslem, Kelly Hobbs, Kristy Oneto, Darlene Comingore, Jeanie Ward-Waller, Carmen Wills, Mike Woodman

Notetaker: Susan Herman

Agenda Committee

Dee Lam
Patricia Chen
Robert Newman
(VACANT)

Desired outcome for future meeting(s)

See Goals (January 2020)
Bridge program update (added July 2020)

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 or closed, they will be marked as Complete or Closed but left on the list for one meeting. This will provide a running record of assignments made at these meetings.

Item number	Status	Leads	Action	Date created	Target date
162	Open	Felicia, Maura	<p>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.</p> <p>On 5/28/20 Felicia Haslem reported that SCO does not have any involvement in local governments' contracts due to conflict of interest. They recommended contracted fiscal services through DGS.</p>	11/1/18	07/23/2020
166	Open	Tom, Miguel	<p>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.</p> <p>Work with Jason Nutt, Phil Doudar, Robert Newman, Bob Baca, Keaton Browder, and Miguel Ramos, Chris Lee and Ron Berdugo</p> <p>On 5/28/20 this item was combined with item 175: Invite FEMA representation at TCC meetings to discuss design build allowability and other emergency relief-related issues.</p> <p>7/23/20: See discussion under Agenda Item 8</p>	01/24/19	07/23/2020
177	Open	Mark	<p>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</p> <p>On 5/28/20 Patricia clarified this item's purpose: Find a way for local and regional agencies to access data (FADS, other sources) that would help them monitor progress toward critical project deadlines and prevent inactive obligations. Now that ADA updates are complete, Mark will identify an IT team to conduct demonstrations of Tableau and/or other tools & evaluate usability.</p> <p>On 7/23/20 Mark reported on progress (see Agenda Item 6.5 above) and invited members of</p>	05/30/19	07/23/2020

			the TCC to be part of the subgroup to develop database access procedures.		
179	Open	Rick, Kelly, Tom, Najee	<p>Workgroup – Environmental Review process Challenges; E4/E5 get a better picture of what the actual problems are</p> <p>Kelly’s team will follow up with Rick (input from counties) and Jason (input from cities) and lead a “forensic analysis” of environmental review-related project delays</p> <p>On 5/28/20 item 172 was folded into this item, shifting focus away from changing the NEPA assignment’s MOU language towards refining NEPA process and procedures based on outreach, “smart” PES forms, and other changes Kelly Hobbs is overseeing.</p> <p>181 and 182 were also folded into this item</p> <p>7/23/20: See discussion under Agenda Item 8</p>	09/26/19	07/23/2020
183	Open	Felicia	<p>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?</p> <p>Letter sent to Legal for opinion on May 19</p> <p>7/23/20: See discussion under Agenda Item 8</p>	01/23/20	07/23/2020

Agenda Item 1. Introductions

Agenda Item 2. Webex Ground Rules

Agenda Item 3. Review agenda

- 3.1. Panos Kokkas has moved on from the agenda development committee; Dee requested attendees consider volunteering
- 3.2. Dee noted the desire for future discussion topics to be more comprehensive and that volunteers should represent diverse sectors
- 3.3. Kristy also voiced the desire for volunteers from rural counties; Robert N. and Patricia C. are both from LA County

Agenda Item 4. FHWA Update

- 4.1. Miguel Ramos of FHWA provided updates on inactive projects (goal is for 2% of projects to be inactive—8.1% are inactive as of last quarter 2019; this is trending down). There are 30 projects with over \$150K that haven’t invoiced in 24 months, for a total of \$40M inactive funds. His office is targeting these projects, making contacts with the local agencies.
- 4.2. 85% of the above-mentioned projects were also not “timely” when they were obligated.
- 4.3. 59% of projects are considered timely obligations—goal to get closer to national rate which is around 80%. Miguel’s office is working on a timely obligations look-ahead tool.

- 4.4. Miguel provided 3 clarifications on policies and procedures: first invoice must be timely; local agencies will soon be able to submit CE invoices before construction contract has been awarded; CE costs to be included in the obligation for construction projects so there are CE costs to invoice.
- 4.5. Miguel reported on the Council on Environmental Quality Final Rule on NEPA issued July 15, effective September 2020. This is the first time in over 40 years that NEPA regulations have been comprehensively updated. Fact sheets are available; headquarters will provide guidance on the extent of streamlining and any new procedures. <https://www.whitehouse.gov/wp-content/uploads/2020/01/20200716FinalNEPA-Fact-Sheet.pdf>
- 4.6. Kelly Hobbs cautioned the group to wait until FHWA's guidance "trickles down." Division of Environmental Analysis at Caltrans will need to interpret the changes as well and develop specific guidance.
- 4.7. Patty Romo noted that regular updates and a timeline for the development of the guidance would be helpful.
- 4.8. Miguel noted an issue with the LAPM and its allowed use of "Southern California Green Book," a set of standards and specs provided by associations of contractors from the Southern California area. For projects on the NHS, the standards must be approved by FHWA. FHWA does not approve the "green book" standards. LAPM must be aligned with approved federal standards. MAP-21 expanded the NHS to include many new local roads. He proposed changes to the LAPM to align with FHWA standards.
 - 4.8.1. Robert Newman clarified that the Green Book authors are a conglomerate of public agencies and private contractors; specs are based on ASTM standards and testing methods. Variations in lab certifications do exist, however. What are the issues, exactly?
 - 4.8.2. Miguel responded that there are issues with field materials testing using Caltrans standards—not enough personnel to perform all necessary tests. He is working with Felicia Haslem on this and said Robert's perspective would be valuable as they move forward.

Agenda Item 5. CTC Updates

- 5.1. Dawn Cheser presented CTC updates. Commission staff is working on agenda for the August 12-13 meeting.
- 5.2. Five different calls for projects are currently out. Three are in the SB-1 program: Local Partnerships, Congested Corridors, Trade Corridors. CTC is on track to publish staff recommendations in November and adopt programs at the December 2020 meeting. The two other calls for projects are in the ATP Program—Quick Build and main ATP. Quick Build to be adopted in December. For Main ATP program, applications are due September 15, with program adoption in March 2021. The Commission programming team will be busy in coming months.
- 5.3. Patricia Chen asked about new priorities related to the executive order (Governor Newsom's order N-19-19, <https://cal.streetsblog.org/wp-content/uploads/sites/13/2019/10/9.20.19-Climate-EO-N-19-19.pdf>). When will new strategies be applied to CTC's programs and processes? Dawn said she will share updates on this as soon as possible. CalSTA is working on ways to align funding for transportation planning and programming with climate goals.
- 5.4. Rick Tippett asked about trends for future STIP. Dawn said CTC does not anticipate any short-term impacts to the STIP resulting from state funding shortfalls due to COVID crisis.

Agenda Item 6. DLA Updates by Office Chiefs

- 6.1. Felicia Haslem provided updates on Guidance and Oversight.
 - 6.1.1. Her office is going through LAPM updates for 2021; open comment period closes July 31.

- 6.1.2. Changes to the Disadvantaged Business Enterprise (DBE) program include: a new database with all electronic forms, including Forms 10-O2, 15-G and 17-F.
- 6.1.3. All trainings are moving online.
- 6.2. Kelly Hobbs provided updates on Environmental.
 - 6.2.1. During the fiscal year his office delivered 509 Federal-aid highway projects. Calculating all of these projects, the average time from when PES form is received by Caltrans to when CE is signed is 321 days; 170 days when bridge projects are not included. Pavement jobs average 56 days for delivery. 131 days for signals, 113 for roundabouts.
 - 6.2.2. During Q4, aka "COVID quarter" 69 projects were delivered. This is just below average but is excellent considering the general turmoil.
- 6.3. Robert Peterson reported on Federal and State Programs: Bridge, Safety, and Emergency Relief
 - 6.3.1. HBP Advisory committee is working on 9 specific policy changes (7 agreed, 2 still in discussion) to move towards the goal of a 15-year program. Cost increases have hobbled this process. An Office Bulletin describing the changes will be released shortly.
 - 6.3.2. Dee will present an informational item on HBP for the August CTC meeting—program overview and challenges.
 - 6.3.3. Safety: The current cycle's call for projects applications are due September 4. Application due date may be pushed out.
 - 6.3.4. Safety performance targets under SHSP and FHWA: the aspirational targets set in 2018 were not all met. Penalty is to put together an implementation plan to show where fatal and serious injuries occur; what is funding being used for; what outcomes do you need to show in order to meet targets? Rachel Carpenter, state safety officer, will present this afternoon at the HSIP meeting. Local Roadway Safety Plans will be required in future call for project cycles beginning with Cycle 11, so this should help toward the aspirational targets.
 - 6.3.5. ER will have a training in early August to explain documentation needed from local agencies to request time extensions. Last year's training seemed effective, as many ER projects were approved.
- 6.4. Robert Nguyen provided updates on Project Implementation
 - 6.4.1. Minimum qualifications compliance action plan has been in the works for nearly five years. He will have a draft office bulletin to present before the next TCC meeting in September.
 - 6.4.2. Obligational Authority Update: as of Monday, overall OA delivery is estimated at 93% (up from 90% a year ago). Remaining OA balance is \$79M out of \$1.2B. Will need an additional \$60M to deliver our program. Projects that come in after June 25 will be on hold until after August redistribution. Priority is first-come, first-serve.
 - 6.4.3. Historically, Local Assistance has received about 60-65% of the amount submitted for August redistribution. Robert hopes that this year due to the much lower dollar amount submitted (\$65M), the redistribution amount will be sufficient. Last year many projects were advanced due to the impending recession; this year COVID also slowed everything down.
 - 6.4.4. Upcoming deadlines: Local agencies to send projects to district—tomorrow, July 24. Robert recommends that sponsors continue submitting projects even after deadline. Continue building the queue to prepare for the unknown.
- 6.5. Carmen Wills, Resource Manager for Local Assistance provided an update
 - 6.5.1. LP2000 Database--Caltrans has hired Delgata Corporation for maintenance work on the database, first delivery will be soon.
 - 6.5.1. Governor Newsom has signed the 2020-21 budget, looking forward to the new budget/fiscal year

- 6.5.2. Ross McKeown asked whether read-only access for regional agencies could be part of the database update, to learn which projects have inactive obligations and be able to track obligations. Mark Samuelson entered the meeting after the RTPA update (see Item 7) to discuss this functionality. He noted that allowing read access to the database would require going through the firewall. Opening this up for entry to one database presents a problem: other Caltrans databases would then be accessible to the user. Work is ongoing with IT security staff to provide read access without affecting the firewall.
- 6.5.3. Mark said that IT security has also proposed to create a link for users to request specific reports from the database, to allow regional agencies to monitor their programs. Input is needed on exactly which reports would be most useful to users. Patricia and Ross are already part of a smaller team to gather this input—are others interested in joining this subgroup?
- 6.5.4. Mark said it would be acceptable to invite non-TCC members to the database subgroup.
- 6.6. Dee provided an update on State programs
 - 6.6.1. ATP is reporting an influx of applications
 - 6.6.2. Dee noted she had shared with CTC the division's performance roadmap. She shared slides outlining three levels of performance: Project Management, Program Management, Portfolio Management
 - 6.6.3. Heidi Borders reported on at-risk PE. Policy is written. Forms, databases, etc. will follow over the next months and updates rolled into the LAPM.

Agenda Item 7. RTPA Update

- 7.1. Patricia Chen reported that FHWA discussed freight assessments at the last RTPA meeting. She noted that this is a good time for the MPOs to be in touch with freight carriers in their area and prepare data to share with FHWA.
- 7.2. Darwin Moosavi of CalSTA discussed implementation of Governor's Executive Order N-19-19 on leveraging state transportation funding to make positive impacts on climate change. Mainly this affects discretionary funding. Key issues: reducing vehicle miles traveled, social justice, freight.

Break from 10:32-10:45

Agenda Item 8. Item 166—ER relief/FEMA, Item 179 Environmental Process Review, Item 183 Public Contract Code vs. Government Code

- 8.1. Miguel provided an update on Upshot item 166. He has reached out to multiple contacts within FEMA but FEMA has not committed to being a regular part of TCC or even one or two dedicated sessions to discuss their work. Miguel welcomed help with input/contacts.
 - 8.1.1. Jason Nutt has had dealings with FEMA and ER in City of Santa Rosa and affirmed that participation from both agencies would be extremely helpful for dealing with fire season. He and Miguel will coordinate.
 - 8.1.2. Rick noted that many extension requests for ER funding following 2017 storms are still coming in. Miguel affirmed that documentation to justify extensions has improved so hopefully the majority of these will be approved.
- 8.3. Kelly provided an update on Upshot item 179. He noted that over 97% of projects delivered last year were CE (most of these 326 CE).
 - 8.3.1. He has received a project list of 20+ projects for study. His group's study will look at time between when the PES form is approved in Caltrans through the time when environmental document is delivered to the local agency. Study will compare time range with other states—those with NEPA assignment and without.

- 8.3.2. Analysis will also include internal delays, partner and sponsor delays, review delays with resource agency partners, staff expertise/deficiencies in training for consultants, internal and external staff.
- 8.3.3. DLA Environmental through the RBSO process is working on several items—location hydraulic studies, biology section 7, PES form intake process—to ultimately reduce review delays.
- 8.3.4. Jason noted that more information from city public works officers is forthcoming and he will share with Kelly.
- 8.4. Felicia provided an update on Upshot item 183. Legal department needs to do more research.

Agenda Item 9. HSIP/HBP Funds Exchange update

- 9.1. Rick reviewed SB 137, which allocates up to \$100M (upper limit) exchange of federal and state transportation funds between local entities and the state under certain circumstances. The proposed guidelines set out priorities for converting the money: 1) HSIP projects, 2) HBP preventive maintenance projects, other bridge projects at the discretion of bridge program managers. RTPA provided a few edits; Robert Peterson's group will finalize guidance language once League of Cities and CEAC approve.
- 9.2. Robert noted that the rollout will include procedures to "bank" the exchanged funds to make sure they cover construction allocations and cost increases.
- 9.3. Najee Zarif asked about raising priority of bridge preventive maintenance to make sure these are eligible for the program in order to take advantage of the State funds. Yes, these projects are moving up the priority list per new HBP policy.
- 9.4. Rick reminded the committee that the main idea of using the State funds is to maximize impact for lower-cost (under \$100K) projects that would otherwise decline to federalize.
- 9.5. Najee asked whether HSIP would be able to utilize \$100M? Robert said HSIP has been getting about \$81M of OA but has been overspending (this year around \$120-130M) to draw down OA balance from previous years. Yes, initially all \$100M will be exchanged for HSIP. New federal legislation may specify a State/Federal split other than 50/50, and/or it may specify a different amount to be dedicated to ATP.

Agenda Item 10. TCC Goals Review and Consideration (Goals developed January 2020 as Item 11.3)

- 10.1. Re: 11.3.3., Miguel suggested setting up systems to encourage agencies to bill every 6-12 months so that every quarter isn't a "fire drill."
 - 10.1.1. Ross said that it would be helpful for Caltrans to not require a minimum amount to bill. Also, helpful if there are consequences for agencies affecting funding across different programs that Caltrans manages. In his region they've enforced a policy of "don't obligate unless you can award within 6 months and get a reimbursement within 9 months."
 - 10.1.2. Patricia cautioned against placing obstacles for jurisdictions to receive federal funding from different programs. Ross said agencies in his region aren't prohibited from receiving additional funding—rather, they have to provide justifications for delays, updated timelines, etc. His region has monthly meetings with agencies. MTC also includes finance managers on communications about quarterly billing/deadlines.
 - 10.1.3. Darlene suggested that quarterly invoices be required only for those agencies that don't already have good practices in place.
 - 10.1.4. Heidi noted that the minimum-dollar invoice procedure was a helpful "tickler" for her as a DLAE; changes to this policy might result in different workflow for DLAEs
- 10.2. Re: 11.3.5, this one is already done (see Agenda Item 9 above).
- 10.3. Discussion on the rest of the goals listed during the January 2020 meeting was put on hold when Jeanie Ward-Waller arrived.

Agenda Item 11. Round Table

- 11.1. Patti Romo asked about upcoming Office Bulletin on changes to the HBP. Does it include some certainty about availability of funds, specifically for high-cost bridges? Her agency has a \$55M bridge project (federal share) going out to bid, a few more similar coming up. Robert said the changes will be for future projects coming into the program; current projects will not be affected. The next FTIP will show a list of projects getting funding over the next four years.
- 11.2. Najee asked whether the HBP is looking at reducing the federal share from 88.53% to a lower amount? Robert said this change is not on the table.
- 11.3. Darlene Comingore of Yolo County noted that Caltrans bridge staff has reduced the scope of bridge projects that are already in the program. When did this policy change happen? Robert will follow up offline.
- 11.4. Rick's agency has multiple bridges that need geotechnical and other studies to support a solid BIC application. To get a good scope often requires local agencies to pay for an advance analysis—can this be applied back to the bridge program for later credits?
- 11.5. Rick noted that Caltrans 5311 program has requested his agency go through an RFP process for transit maintenance service expenses totalling only a few hundred dollars (not consulting). Maura Toomey will follow up with him about the invoice. Dee will also follow up through division chief of rail and mass transit.
- 11.6. Patricia asked for an update from Jaime Espinoza on LAPG and forms—he is on vacation but will report next time.
- 11.7. Najee asked whether reporting would be available on how well the HSIP program is performing. Robert said Cycle 5 was the first year HSIP was a data-driven program. 2020 is the first year that Local HSIP managers are formally asking for a collision report from local agencies. After-data on projects is included in the guidelines but will now be required. It goes on the annual report to FHWA and will appear from September 2020 onwards on the HSIP website as well.

Agenda Item 12. Focus Forum—Discussion on N-19-19

- 12.1. Jeanie Ward-Waller, deputy director for Planning and Modal programs, gave an overview of the executive order. She shared the Transportation Action Plan Discussion Draft and its 10 strategies (see packet).
- 12.2. What will these strategies cost? Jeanie's office is actively pursuing this. Budgets are being cut back because of COVID; executive order was issued in fall 2019 before the COVID-related recession.
- 12.3. Limitations of the Executive Order based on existing statute? Patricia noted that some of the programs have more cursory language in statute, others have detailed language.
- 12.4. Mike Woodman asked about strategy 4, reducing vehicle travel in urbanized settings. He asked that differences between induced demand factors in rural communities and urban be documented. Same tools can't be used for both—rural “toolbox” is limited.