

Group Memory
Transportation Co-op Committee
September 24, 2020, 9:00am-12:30pm
Via WebEx

Next meeting

November 19, 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

Tim Burke, Nicolas Burton, Patricia Chen, Boris Deunert, Arnold Dichosa, Jaime Espinoza, Marina Espinoza, Teresa Favila, Daniel Hawk, Kelly Hobbs, Sujaya Kalainesan, Dee Lam, Tom Mattson, Ross McKeown, Luke McNeil-Caird, Jason Nutt, Sean O'Brien, Kristy Oneto, April Perez-Hollins, Robert Peterson, Mario Rodriguez, Patty Romo, Mark Samuelson, Rick Tippet, Maura Twomey, Lamin Williams, Najee Zarif

Notetaker: Susan Herman

Agenda Committee

Dee Lam
Patricia Chen
Robert Newman
Kristy Oneto
Rick Tippet

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>Audits & Investigation will work with Local Assistance to see if there is anything that can be done for Indirect Cost Allocation Plans (ICAP) under the existing contracts local agencies have with the State Controller's Office (SCO). There is confusion over Overhead vs. Direct Charge. Rick will have his contact at SCO try and help. 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> <p>9/24/20: see discussion item 7.5 https://iq.dot.ca.gov/resources</p>	11/1/18	11/21/2020
166	On hold	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> <p>9/24/20: This action now on hold, see discussion item 4.6</p>	01/24/19	2021
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</p>	05/30/19	11/19/2020

			<p>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 and invited members of the TCC to be part of the subgroup to develop database access procedures.</p> <p>9/24/20: see discussion item 7.1</p>		
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> <p>9/24/20: see discussion item 7.2</p>	09/26/19	11/19/2020
183	Open	Felicia	<p>Clarify consultant selection process by comparing Public Contract Code and Government Code citations regarding procurement of architectural and engineering (A & E) services. Are the codes in conflict? Which code do local agencies follow when project funds pass through Caltrans for low-cost transportation projects?</p> <p>Letter sent to Legal for opinion on May 19, 2020</p> <p>7/23/20: See discussion under Agenda Item 8</p> <p>9/24/20: Dee will advise on any further actions needed; see discussion item 7.6</p>	01/23/20	11/19/2020

Agenda Item 1. Introductions

Agenda Item 2. Webex Ground Rules

Agenda Item 3. Review agenda

- 3.1. Volunteers needed for agenda committee; Dee and Kristy are contacts

Agenda Item 4. FHWA Update, Dan Hawk

- 4.1. Current quarter inactive rate is 2.16%
- 4.2. Timely Obligations metric (270 days from obligation in FEMAS system to first bill) will be tracked internally but cease to be the main measure for local agencies. Agencies should now focus on billing in the first six months.
- 4.3. Program Reviews: Value Engineering/Analysis, P>10 and ROW>20, construction contract claims
- 4.4. Compliance Assessment Program (CAP) List will go out in a few months; FHWA will be requesting data on selected projects
- 4.5. ER project time extensions to go out in approximately 5 weeks
- 4.6. Tom Mattson recommended tabling discussion on ER/FEMA issues (see Action item 166). The National Association of County Engineers is developing a white paper on this topic. Rather than duplicate effort, better to wait for white paper publication.
- 4.7. Jason Nutt noted that a representative from FEMA will be attending a future TCC meeting

Agenda Item 5. CTC Update, Teresa Favila

- 5.1. Local Partnerships, Congested Corridors, Trade Corridors. CTC is on track to adopt these programs at the December 2020 meeting.
- 5.2. ATP applications have begun evaluation. Recommendations due early 2021.
- 5.3. Local Streets and Roads Program final eligibility list to be published soon.
- 5.4. October 21-22 is next CTC meeting

Agenda Item 6. RTPA Update, Patricia Chen

- 6.1 Patricia reported on the August CTC meeting. Responses to the Local Streets and Roads Need Assessment indicated there were not enough contractors to do the work and that prices were up. This did not agree with Michael Johnson's report that prices were good.
- 6.2. Mark's database access workgroup needs a few more people from North
- 6.3. SB1351, Transportation Improvement Revenue Bonds. Bill presented to the governor in September. Change in legislation failed to address funding for rolling stock,
- 6.4. STIP capacity will be tight this year
- 6.5. Dawn Cheser discussed SB-1 applications: 152 have been received, for a total request of \$3.7B. Funding available is only \$1.7B

Agenda Item 7. DLA Updates by Office Chiefs

- 7.1. Mark Samuelson shared updates on the DLA management team and Data Access action item
 - 7.1.1. New hires in Project Implementation: Sujaya—Office Chief, Implementation South. Felicia—Office Chief, Implementation North.
 - 7.1.2. Kamal Sah resumes as Office Chief, Guidance and Oversight
 - 7.1.3. Data access in FADS. Mark noted that various options are being explored; reviewing data dictionary to determine which data points need to be pulled and most useful formats for reporting.
- 7.2. NEPA—Environmental Compliance and Outreach
 - 7.2.1. Kelly Hobbs reported a slate of projects has been selected for a value analysis of reasons for delay. Themes identified so far: communications (e.g., length of time waiting for comment), training (e.g., contracting process with consultants), outreach. Projects being analyzed include bridges but these are not the sole focus of the analysis.

- 7.2.2. Risk-based Stewardship and Oversight (RBSO) effort has already begun that is relevant to this: looking at PES intake process, changes in annotated outlines, level of effort for environmental studies.
- 7.2.3. DEA may need to sign off on the level of effort studies: location hydraulic, hazardous waste, biology
- 7.2.4. Retooling the Federal Aid Series program: classes scheduled out through May 2021.
- 7.3. LAPG—State Programs
 - 7.3.1. April Perez-Hollins is acting Office Chief. She recently moved over from Division of Engineering Services, Jaime Espinoza is the Division Performance Manager, tasked with bringing a uniform approach to Division workload; Laura Quintana returns to DLA soon (on leave now).
 - 7.3.2. Chapter 22 updates: Final revisions, to be released for public comment soon
 - 7.3.3. Interim timely use of funds expires in December.
 - 7.3.4. Active Transportation Resource Center—sign up for their mailing list to stay on top of ATP updates
 - 7.3.5. Q1 reporting opens for ATP on October 1. Deadline for progress reports in CalSMART is October 15
- 7.4. Minimum qualifications—Implementation
 - 7.4.1. Felicia reported that the Local Agency Minimum Qualifications office bulletin is available for review and was included in the meeting documents that were emailed to TCC members. This is a list to ensure that agencies have adequate project delivery systems and sufficient accounting controls to carry out government requirements outlined in 23 USC 106(g) and 2 CFR 200. Questionnaire and interview attachments to office bulletin. She requested feedback by October 5.
 - 7.4.2. Agency audits show a big issues with “responsible charge”: 23 CFR 635.105(c)(4) and 23 CFR 172.9(d) require that a full-time public employee (of a local public agency) be in responsible charge of a project. Questions in the MQ questionnaire help discover whether an agency has proper personnel to deliver projects.
- 7.5. ICAP—Guidance & Oversight. Felicia reported that training is the main avenue to address ICAP
 - 7.5.1. Weblink for item #162 for the IOAI ICAP/ICRP training <https://iq.dot.ca.gov/resources>
- 7.6. PCC vs. GC—Guidance & Oversight
 - 7.6.1. Options for a small purchase contracts need further discussion. What parts of public contracting code can local agencies follow for small contracts?
 - 7.6.2. Tom noted that per PCC, counties can sole source up to \$60K for State-funded projects. This is straightforward—no need to be held to Federal rules. Counties have no incentive to swap Federal for State funds if they have to operate under the same rules.
 - 7.6.3. Maura said that regardless, issues remain with utilizing PCC at local agency level. Language in PCC is focused on State agencies—causes confusion for local agencies trying to stay in compliance. Need to resurrect effort to make PCC more user friendly for local agencies. No intuitive link to show how local agencies implement procedures to be in compliance, within their own procurement guidelines. Audits have challenged compliance in the past. Maura will share documentation with Felicia.
 - 7.6.4. Dee will obtain info on history of this discussion and advise on which actions to pursue.
- 7.7. Dee reported on updates to Caltrans Division Management Plan
 - 7.7.1. Goals: safety first, cultivate excellence, enhance transportation network, lead climate action, visibility of all communities.
 - 7.7.2. Planning and Modal programs has a new office focused on race and equity
 - 7.7.3. DLA remains committed to its focus on performance, efficiency. Lean Six Sigma on audits process.

- 7.8. OA delivery
 - 7.8.1. Sujaya reported that CA received \$493M August re-distribution. DLA received \$181M. and was able to utilize \$160M of that.
 - 7.8.2. Ross asked about ways that DLA could capture full amount of OA; he and Sujaya will discuss offline
 - 7.8.3. Mark noted HBP cannot capture more of the re-distribution amount because it ran out of apportionment.
 - 7.8.4. FEMAS system shuts down Sept 28 & reopens October 15 for new FY

Break from 10:15-10:30

Agenda Item 8. HBP Program Management Reform

- 8.1. Mark provided the background for Robert's report. Bridge program is over-subscribed. MAP-21 established funding level in 2009, demand has grown but funding amount has not. Reforms are to keep the program sustainable. They address accountability, scope of work, and other issues to make best use of funding and are separate from the effort to increase funding for HBP.
- 8.2. The LAPM Chapter 6 rollout in January 2021 will not include any of the reforms. Staff have made helpful updates to existing language. Once reforms are approved, office bulletins will be released and will take effect. Expected February 2021. They will appear in the next manual Jan 2022.
- 8.3. Robert shared graphs showing number of projects in HBP since 2012, Average Cost per Project, and Total Demand on the HBP. Avg cost per project has gone from \$4.36M in 2012 to \$6.3M in 2019; number of projects down from high of 1013 in 2016 to 817 in 2019.
- 8.4. No new projects have been accepted into the program in the past 2 years.
- 8.5. He presented the list of reform proposals approved by the HBP advisory committee. These included:
 - 8.5.1. All projects must have a Field Review, Type Selection, Hydraulic Report reviewed by HQ and/or Structure Local Assistance.
 - 8.5.2. All bridges are only funded at the cost of basic structural solution. No aesthetics treatment (except historic bridge projects). HBP will not pay for signature structures.
 - 8.5.3. Project status reports will replace annual surveys—to rectify problem of mismatch between programming numbers entered in FTIP vs. cost increase actually approved via form 6-D
 - 8.5.4. All changes to programmed project costs must be submitted to the HBP managers using LAPG 6-D
 - 8.5.5. Cost escalation factors will be included with project programming.
 - 8.5.6. All bridge projects start as rehabilitation or BPMP; proposed replacement must be justified and approved by HBP managers.
 - 8.5.7. Only minimum AASHTO standards are eligible.
- 8.6. In addition to the above, HBP managers proposed to change BPMP priority from 6 to 3, to encourage local bridge owners to keep their bridges in good condition
- 8.7. In addition to the above, the advisory committee recommended four other changes.
 - 8.7.1. Revise federal/local reimbursement ratio for all new HBP projects—80%/20% for on-federal aid system; 88.53%/11.47% for off federal-aid system projects. Apply to projects coming into the program (those without E76 for PE).
 - 8.7.2. High cost bridge projects over \$50M (or \$20M) require scoping document to get into the program, paid for by local agency—30% plans + estimate

- 8.7.3. Caltrans shall not accept new high-cost projects into the Local HBP that result in the sum of all unobligated high cost bridge project phrases (current and proposed) exceeding 50% of the 15-year anticipated Local HBP revenue.
- 8.7.4. To be eligible for the bridge program, agencies must submit a bridge asset management plan for their inventory.
- 8.8. High cost bridges now account for 42% of whole program; the HBP advisory committee agree changes are needed to address this but has not yet come to consensus.
 - 8.8.1. Committee has discussed proposals to change the definition of high cost bridge: those with ROW total costs in excess of \$20M or with Con total costs in excess of \$35M
 - 8.8.2. Another proposed definition is for mid-level or semi-high cost bridges: those with Construction total costs between \$15M-\$35M
- 8.9. Robert estimated it will take a few years before results of the reforms will be measurable; maybe by that time a larger apportionment will be in place.
- 8.10. Comments/Questions
 - 8.10.1. Patty Romo: good work developing these options. Many projects, due to high cost, are getting authorization for advance construction. How many are moving forward via this method and what is the dollar amount they are waiting on? AC dollar amounts going down might be a good metric to measure progress toward HBP goals.
 - 8.10.2 Rick Tippett said that his agency and other small counties would not have capital to use the AC option. A project in the \$4M range might be realistic.
 - 8.10.3 Najee Zarif commented criteria may need to be established for what can be AC'd. Funding advance construction can limit funds needed for higher priority projects.
 - 8.10.4. Najee asked for a projection of how much additional capacity HBP will be able to deliver due to reforms. Robert said some of this analysis will need to drill down to individual projects and which reforms positively affected which projects. Federal/local ratio may be easiest to quantify. The other reforms will reduce "surprises." Robert will ask advisory committee members for more specifics on the cost savings that will be realized.
 - 8.10.5. Najee suggested including approach roadway costs as part of the early info reviewed by HQ along with other concurrence items noted in Reform 1c.
 - 8.10.6. Tom and Patricia expressed concern with increasing local funding share; this reduces capability of rural county agencies and small cities to move forward.
 - 8.10.7 Nick Burton and Rick both highlighted possible issues with funding only to AASHTO standards vs. fire safety standards or other local requirements.
 - 8.10.8. Patricia wondered about equity solutions: how much of the needed local bridge work can the program do in each cost category—high cost, medium, and low cost—and does limiting high cost bridges to 50% of the total program funds affect this. She and Robert will talk offline; he said 94% of current bridge projects are below \$20M.

Agenda Item 9. Legislative Policy Suggestions and Roundtable

- 9.1. Government Code and Public Contract Code. Is legislation needed to resolve potential conflict over which codes apply in which situations? It may be more a matter of training to apply existing code correctly.
- 9.2. Bids for construction projects. What has been experience of implementing agencies?
 - 9.2.1. Najee: we've seen good bids since COVID, on average 20% lower than engineer's estimate.
 - 9.2.2. Tom: we're seeing bids coming in about same as engineering estimates. In Bay Area and LA where more money is concentrated, cost escalations are higher.
 - 9.2.3. Jason: In Santa Rosa, bids are coming in below or at engineer's estimate. Some, depending on product type, are very low (67% below estimate). Product itself is coming back fine.

- 9.2.4. Maura: Number of competitors has increased. One recent RFP had 18 competitors.
- 9.3. Options for funding projects such as left turn lane from State highway onto County road
- 9.4. FAST Act re-authorization language for at-risk PE. Ross's RTPA group is working on language to include a) marketing and planning as part of what's considered PE, b) funding for all phases of at-risk projects. This does not circumvent environmental process
- 9.5. Storm damage. Extension of time limit from 2 years to 6 years.
- 9.6. Making preservation funds available for all items damaged by storms and not just on declared disasters.
- 9.7. Express toll lanes. Sacramento 6-county region and Caltrans D3 are looking at increasing vehicle occupancy from 2+ to 3+ and enforcement, e.g. heat sensing technology. Regions such as Tahoe want to implement FastTrak.
 - 9.7.1 Such projects increase VMT; however, we have to think of VMT differently because if more electric vehicles are used it will not impact air quality, emissions.
 - 9.7.2. In some areas there's pressure to convert existing HOV lanes to Express but not add a new lane for Express because this increases VMT.
 - 9.7.3. Charging local residents a different, lower toll vs. drivers passing through. Not allowed under current legislation, all tolls must be same price.
- 9.8. Local bridges didn't get additional funding under SB-1 (SHOPP did get \$400M/year); legislation is needed to increase funding for locally-owned bridges. SB-1 can be used for local match, but it only met 1/3 of documented needs for roads, including pavement and other needs.
- 9.9. What happens if bridge program just goes on with \$289M/year?
 - 9.9.1. Dire situation. We have 15+ years' worth of projects backlogged
 - 9.9.2. Bridges are prioritized based on deficiencies in certain categories, but many have a decade or more before they see any funding.
 - 9.9.3. State is also facing a glut of older bridges built between 1930s and 1970s that will all need repair and replacement.

Agenda Item 10. Adjournment

- 10.1. Dee asked for one new volunteer for agenda committee; Tom said he is rolling off of TCC at the end of the year. He nominated Rick Tippett
- 10.2. Rick accepted