

Group Memory, Special Session - Transportation Co-op Committee

April 5, 2021, 1:00pm-2:30pm

Via WebEx

Next meeting

May 27, 2021 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

Jeanie Ward-Waller, Dee Lam, Mark Samuelson, Jaime Espinoza, Dan Duncan, Kelly Hobbs, Phil Stolarski, Shawn Oliver (FHWA), Daniel Hawk (FHWA), Jeremy Ketchum, Felicia Haslem, Sujaya Kalainesan, Marsue Morrill, Laura Quintana, Kamal Sah, Scott Williams, Jennifer Heichel, Kiana Valentine (Transportation California), Ross McKeown (MTC), Boris Deunert, Najee Zarif, Mark Lancaster, Girum Awoke, Jim Porter, Nicholas Burton, Arnold Dichosa, Mario Rodriguez, Maria Reyes, Linda Newton

Facilitator: Caelan McGee

Notetaker: Alicia Murillo

Agenda Committee

Dee Lam
Mark Samuelson
Patricia Chen
Robert Newman
Rick Tippet

Desired outcome for future meetings

Further discussion on Reciprocity

Open Meeting

Jeanie Ward-Waller

- Special Session issue, what we are struggling with in terms of how to proceed?
- What's the best path forward?
- What path to take that benefits our partners, etc.?

Dee Lam

- Many projects are delivered in 6 months
- Will work on the NEPA environmental projects
- Understand, what are the benefits to running this program?

- What's worthwhile to all of us?

Phil Stolarski

- How do we operate NEPA for Caltrans?

We made it target rich, we bullet proofed it. We had the assignment for 12 years, what have we learned. Still NEPA laws, in 2019 kicked off the meeting and now we are seeing the fruits of the labor. Caltrans needs to do a better job of communicating with everyone. Caltrans has the authority to make changes internally and in the Division of Local Assistance. We can showcase some of the stuff we've done, creating efficiencies in time, less paperwork, and review. Provide a quarterly report of changes.

FHWA Perspective on Reciprocity

Shawn Oliver

Challenges/Repercussion

FHWA doesn't have anything concrete on it. Caltrans will always be enterable as they've always been. Streamlining projects, federal laws will apply, and the state laws are stringent. It should shorten the process pending guidance from FHWA.

- There should be some efficiencies on what FHWA can do.
- FHWA doesn't know, what to fix or what's broken?

Roles and Responsibilities for Caltrans under Reciprocity

Kelly Hobbs

Referred to the 'CEQA for NEPA Fact Sheet'. My staff is available to consult. Jeanie/Dee are struggling with NEPA efficiencies across the board. The PEZ form intake process and move CEQA to NEPA which requires Caltrans taking an active role in as many efficiencies as we can. NEPA is very friendly for transportation projects.

- Caltrans would look for 25 Local Agencies that has similarities.

Phil Stolarski

We made it target rich, we bullet proofed it. We had the assignment for 12 years, what have we learned. Still NEPA laws, in 2019 kicked off the meeting and now are seeing the fruits of the labor. Caltrans needs to do a better job of communicating with everyone. Caltrans has authority to make changes internally and in the Division of Local Assistance. We can showcase some of the stuff we have done, creating efficiencies in time, less paperwork, and review. Provide a quarterly report of changes. This meeting will be important to move forward.

Jeremy Ketchum

- Where are the improvements from the program?
- Talk to the other local agencies.

Local Goals and Perspective on Reciprocity

Kiana Valentine

Introduced Chris Lee and herself working for Transportation California, 13 years. She's been around since the CEQA for NEPA reciprocity back in 2015. She has a historical representation for Transportation California created in 1990 and for transportation future. She assists the cities and counties.

From the transportation industry, they are interested in all parties agree to have the industry streamline the CEQA/NEPA program. Get the most bang for our buck. The Local Agency doesn't have enough revenue to afford all transportation projects and transportation dollars. Robust environmental laws have no intent to bypass the CEQA/NEPA.

The industry wants to encourage all parties come together to find a good place and make this work.

- FHWA raised questions, a potential intensity on projects or agencies that use this program? Who will be the lead on the program? Federal program, CTAC, who will champion this project?
- Is it the intention to have the government implement projects?
- FHWA/Caltrans legal interpretation will waste immunity on locals ensuring if this were to happen, what would be the benefit through the delegation program, but Caltrans takes responsibility?
- If we don't do it now, we make not be able to make it ever happen
- What else can we do to make this a robust environmental streamline?
- Make it valuable for the State and Federal benefit.
- Funding and Audits questions

Jennifer Heichel

Caltrans must approve the documents, this means, if we are using CEQA, Caltrans will approve the document. Caltrans must waive their immunity and accept the jurisdiction of the pilot program. This only covers NEPA. CEQA/NEPA 772, requires its own separate unity and some increased requirements. NEPA assignment programs are simplifying the workload. CEQA has a much broader category. Caltrans has a combined document now. Locals do it separately but there's nothing prohibiting anyone from doing combined documents.

- What the program looks like
- 25 Local agencies can apply and will be implemented on a case by case basis.
- Limitations of program
- Sunset in 2027
- Talk to your respective attorneys
- Final rule clarified some issues

Action Items

Dan Duncan

This new program needs to be met with the same caution. The environmental process is quite difficult and will take a lot of effort to streamline.

- Can we streamline the process?
- What's the benefit?
- There will be an extended learning curve

Dee Lam

- Follow up conversation
- Compare benefits from now and then
- Put a document together and come back as a group to discuss.

Dee Lam/Ross McKeown

- Tighten the nuts and bolts
- Follow up meetings
- Problem solving issues

Kelly Hobbs

- Information would come out on the application
- Caltrans would oversee the CEQA document

Caelan McGee

- Caltrans created a target site for us to reduce redundant documents and review time
- A request for local perspective coordination

Ross McKeown

CEQA, will Caltrans prepare a document, additional workload, savings, and resource. What is the corresponding savings? Happy to support the NEPA delegation for the Local Agency.

- Would the Local Agency be a part of the negotiation with Caltrans and FHWA?
- What additional requirements will be placed on Local Agency, so there won't be any savings?
- What will Local Agency no longer have to do?
- What would they say to a participant of the pilot program?
- The Local Agency will not support this because Caltrans charges for their time.
- What fund source will be used?
- Before you sign off with FHWA, have the Local Agency review and provide information needed at that time
- 2 MOUS for this program:
 1. CEQA for Reciprocity

2. Limited on NEPA

Boris Deunert

As a Local Agency, we are successful handling our own.

- How much oversight, do you oversee with the Local Agency CEQA process?
- How much time will you need to sign off?
- Will CEQA serve as NEPA?
- Can you opt out of the program?
- How long will it take for the District, Headquarters, and Legal review?
- Relook at the process in other states to save time.

Najee Zarif

- Does Caltrans have their own NEPA clearance?
- Would the CEQA process be slower than the NEPA process?