

Policy Advisory Committee

Date: Friday, May 12, 2017
Time: 10:00 AM
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

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POLICY ADVISORY COMMITTEE

The Policy Advisory Committee will consider all items on the agenda. The meeting is scheduled to begin at 10:00 a.m.

PAC Agenda and Annotated Agenda in PDF format - ALL EXHIBITS ARE AVAILABLE ON WEBSITE

Exhibits:

Agenda Annotated Agenda

JOINT Transportation Technical Committee/Policy Advisory Committee

1. Caltrans Report (CALTRANS)

I. TRANSPORTATION CONSENT ITEMS

About Consent Items

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

A. Executive Minutes of April 14, 2017 [APPROVE]

Exhibits:

Minutes

B. Third Quarterly Work Element and Financial Report (Les Beshears) [APPROVE]

Exhibits:

3rd Quarter Financial Report

C. Transportation Development Act Claims for the County of Fresno (Les Beshears) [APPROVE]

Exhibits:

Fresno County TDA Claim

Summary: The County of Fresno is submitting their 2016/17 Transportation Development Act Claims for approval.

| Claimant | LTF | STA | TOTAL |
|------------------|-----------|---------|-----------|
| County of Fresno | 6,386,478 | 701,898 | 7,088,376 |

Action: Staff recommends the TTC/PAC approve Resolution 2017-8 adopting the 2016/17 Transportation Development Act Claims for the County of Fresno in the amount of \$7,088,376.

D. Fresno County Rural Transit Agency Transportation Development Act Claim (Les Beshears) [APPROVE]

Exhibits:

FCRTA TDA Claim

Summary: Fresno County Rural Transit Agency is claiming \$5,426,788 in Transportation Development Act funding in support of their \$8,038,763 2017/18 budget.

Action: Staff recommends the TTC/PAC adopt Resolution 2016-12 approving Fresno County Rural Transit Agency's 2017/18 Transportation Development Act Claim.

E. Approval of the 2017 Federal Transit Administration Section 5310 Program of Projects (Peggy Arnest) [APPROVE]

Exhibits:

FTA Section 5310 Projects

Summary: On January 9, 2017 Fresno COG issued a formal call-for-projects for the Fresno Large Urban Area Federal Transit Administration (FTA) Section 5310 funding. The available funding for the Fresno Large Urban Area is \$1,323,214 for Federal Fiscal Year (FFY) 2015/16 apportionments and we received 4 applications requesting \$1,455,547 in total funding requests. On March 21, 2017, a scoring committee of volunteers from the Social Service Technical Advisory Committee (SSTAC) convened to review and evaluate the project applications. The Section 5310 Scoring Committee's recommendations were then reviewed by the SSTAC on April 18, 2017 and received unanimous approval. The scoring committee recommendations for the 2017 Program of Projects are as follows:

| APPLICANT | RECOMMENDATION |
|---|----------------|
| Fresno Area Express | \$432,676 |
| Fresno Economic Opportunities Commission | \$432,676 |
| United Cerebral palsy of Central California | \$409,831 |

| | |
|---------------------|--------------------------|
| WestCare California | \$ 48,031 |
| | TOTAL \$1,323,214 |

Enclosed is the detailed list of the projects for your review and consideration.

Action: Staff and SSTAC recommend that the TTC/PAC approve the SSTAC scoring committee's recommendations for the 2017 FTA Section 5310 program of projects. Approved projects will be programmed for funding in the 2017 Federal Transportation Improvement Program (FTIP).

F. State Transit Assistance Apportionment 2017/18 (Les Beshears) [APPROVE]

Exhibits:

STA Final Apportionment

Summary: The preliminary 2017/18 State Transit Assistance (STA) Apportionment was released in February using January 1, 2016 population estimates provided by the Department of Finance (DOF) to allow member agencies to incorporate into their budget. DOF will release the January 1, 2017 population estimates in May. The final apportionment is unchanged in total from the preliminary estimate; however it includes the January 1, 2017 population revision. The estimate is 14% lower than last year's estimate due to a change in methodology by the State Controller's Office (SCO). The SCO will revise their numbers after the Governor adopts the State budget.

The SCO advises there are some trailer bills and process to go through prior to making estimates on the amounts that will be available through SB1 and AB113. It is anticipated these revenues will not become available until June or July of 2018.

Action: Staff recommends TTC/PAC adopt the State Transit Assistance 2017/18 Final Apportionment of \$4,136,281.

G. Transportation Development Act 2017/18 Final Apportionment (Les Beshears) [APPROVE]

Exhibits:

LTF Final Apportionment

Summary: The preliminary 2017/18 Transportation Development Act (TDA) Apportionment was released in February using January 1, 2016 population estimates provided by the Department of Finance (DOF) to allow member agencies to incorporate into their budget. DOF will release the January 1, 2017 population estimates in May. The Final Apportionment is unchanged in total from the preliminary estimate; however, it includes the January 1, 2017 population revision. The estimate is the same as last year's estimate.

Action: Staff recommends the TTC/PAC adopt the Transportation Development Act 2017/18 Final Apportionment of \$35,000,000.

H. Environmental Justice Subcommittee Applicant Approval (Peggy Arnest) [INFORMATION]

Summary: The Environmental Justice (EJ) Subcommittee and its ten positions were approved by the Policy Board February 25, 2016. This committee will serve as a subcommittee of Fresno COG's Transportation Technical Committee (TTC) and will meet when Fresno COG staff, the TTC, the PAC or the Fresno COG Policy Board request recommendations on items involving EJ populations. They will also meet to assist Fresno COG staff in setting thresholds for EJ Populations for the EJ Report within our Regional Transportation Plan. The subcommittee members would report all advisory actions to the TTC through an EJ Representative. Then the TTC's recommendations would be referred to the PAC and Fresno COG Policy Board as needed.

The subcommittee will have 10 positions to provide full, diverse and equitable representation from designed EJ populations:

- Local agency urban
- East side local agency rural
- West side local agency rural
- 3 Minority representatives for the following nationalities with the highest population in Fresno County:
 - Hispanic
 - African American
 - Asian
- 2 Low Income
- Senior (65 or older)
- Persons with disabilities

FCOG received the following additional applications since April's TTC/PAC meeting:

| Name | Agency | Representing | Email |
|--------------------|--|-----------------|--|
| Frankie Olivares | City of Selma | East-side City | folivares@cityofselma.com |
| Esther Postiglione | Cultiva La Salud | Hispanic | Esther@CultivaLaSalud.org |
| Jill Gormley | City of Fresno | Urban City | jill.gormley@fresno.gov |
| Michael Mendez | Resources for Independence in the Central Valley | Disabled/Senior | mmendez@ricv.org |

The following applicants were approved by TTC and PAC at the April 14, 2017 meeting:

| Name | Agency | Representing | Email |
|---------------------|-----------------------------------|-------------------------|--|
| Amanda Monaco | Leadership Council | Minority & Low-Income | amonaco@leadershipcounsel.org |
| Mariah Thompson | California Rural Legal Assistance | Minority & Low-Income | mthompson@crla.org |
| Jennifer Lekumberry | City of Mendota | West-side City | jennifer@cityofmendota.com |
| LeRoy Candler | Public | African American/Senior | papacandler@yahoo.com |

The Policy Board approved all eight of the applicants at the April 27, 2017 meeting.

The EJ Subcommittee still has openings for representatives of the Asian and Native American communities.

Action: Information. Direction may be provided at the discretion of the Committee.

I. **National Environmental Policy Act Assignment Program (Trai Her-Cole) [INFORMATION]**

Summary: In January of 2017 staff brought forward the issue that the limited waiver of sovereign immunity which allowed the State of California to implement the provisions of the National

Environmental Policy Act (NEPA) for Federally-funded transportation projects was allowed to expire on January 1, 2017. As a result, the Memorandum of Understanding (MOU) between Caltrans and the Federal Highway Administration (FHWA) was suspended for up to 90 days. The absence of a resolution posed a potential threat to transportation projects which could add significant time delays and increased costs. However, Assemblyman Jim Frazier (D-Oakley) introduced AB 28 to address the situation. The legislation allows Caltrans to continue as the decision maker for the NEPA review process. Fresno COG took a support position for AB 28 which proposed to extend the waiver indefinitely to avoid this issue from reoccurring. On March 29, 2017, Governor Brown signed AB 28 into law reinstating the waiver of immunity and consent to the jurisdiction of Federal courts for actions taken by Caltrans in performing Federal environmental responsibilities under NEPA. However, the Legislature included a sunset clause to repeal Section 820.1 on January 1, 2020, instead of extending the waiver indefinitely. On March 30, 2017, FHWA acknowledged receipt of the needed certifications and that the waiver of immunity was adequate. As a result, effective March 30, 2017, the California Department of Transportation (Caltrans) once again is authorized to participate in the NEPA Assignment Program, which Caltrans has performed since 2007 ending the three-month period of suspension. Please note: during the suspension period the FHWA and Caltrans entered into a Programmatic Categorical Exemption (PCE) Agreement that allowed Caltrans to approve some 326 Categorical Exemptions (CE), helping minimize the impact of the authority suspension. That PCE is no longer effective and, as stated above, Caltrans is now authorized to approve CEs under the 326 MOU, as had been done since 2007.

[View the complete letter from Caltrans Division of Environmental Analysis Acting Chief Philip Stolarski at this link.](#)

Action: Information. Direction may be provided at the discretion of the Committee.

J. **Circuit Planning and Engineering Update (Meg Prince) [INFORMATION]**

Summary: Below is an update on each of the ongoing circuit planning and engineering projects. Please note that this is a list of all the current, active projects. Completed activities, as well as projects that have been placed on hold by their respective agency or are considered inactive, are not included below.

Current **planning-related** projects resulting from that process include:

- Selma Project 1 – Assistance with Planning and Design Issues - **Dinuba Avenue Overcrossing/Interchange at State Route 99**. The circuit planning team provided stakeholders the draft Existing Traffic Conditions report for review and comment by April 14, 2017. The circuit planning team is in the process of updating the draft based on the feedback received, and will then move forward with the other scenarios.
- Fowler Project 3 - **Preparation of a Bike System Route Map**.

The circuit planning team provided the Fowler Existing Bikeway and Recommendations report to city staff for review and is awaiting feedback.

Current **engineering-related** projects include the following:

- Parlier Project 1 – **Intersection analysis for Newmark Avenue, Parlier Avenue and Fresno Street**. Circuit engineering staff conducted an analysis and is recommending striping as a cost-effective solution for the intersection. Circuit engineering staff submitted their findings and recommendations to city staff for feedback and next steps.

Staff can provide details on the status of individual projects, as requested. Any questions or comments regarding the tasks associated with either the circuit planning or circuit engineering programs, please contact Meg Prince at mprince@fresnocog.org or 559-233-4148 Ext. 203.

Action: Information. Direction may be provided at the discretion of the Committee.

K. **Fresno/Madera Origin-Destination Study and Fiscal Analysis Project Update (Meg Prince) [INFORMATION]**

Summary: The Phase I (Origin-Destination Study) portion of this project has been completed and

Phase II (Fiscal Impact Analysis) is in progress. Applied Development Economics (ADE) is evaluating the fiscal impact of the trip distributions identified in Phase I. The Fresno/Madera Origin Destination Study team met on March 30, 2017, to review and discuss an interim report on the fiscal analysis. ADE is nearing completion of the draft fiscal analysis, which is expected to be ready for review in mid-May

Action: Information. Direction may be provided at the discretion of the Committee.

L. **Active Transportation Program Update (Peggy Arnest) [INFORMATION]**

Exhibits:

 ATP Update

Summary: Fresno COG hosted the kickoff meeting for the Fresno COG Regional Active Transportation Plan (ATP) development project on May 2, 2017. The Regional ATP will be an important document that will help each jurisdiction in the county qualify for new funds for bicycling and pedestrian projects. Development of the Regional ATP will take place this spring and summer and will require input from all cities in Fresno County and the County itself. It is important that representatives from all jurisdictions that have not recently updated their local ATP attend this meeting.

Discussion items:

- Project schedule
- Project coordination
- Project development
- Necessary inputs from local agencies
- Upcoming one on one consultant meetings with local agencies
- The Crowdsourc online public input tool

Please feel free to contact Peggy Arnest at parnest@fresnocog.org with any questions you have about this meeting or the Regional ATP process.

Action: Information. Direction may be provided at the discretion of the Committee.

II. **TRANSPORTATION ACTION/DISCUSSION ITEMS**

A. **Freeway Service Patrol Contract Approval (Suzanne Martinez) [APPROVE]**

Summary: The Freeway Service Patrol (FSP) has been in continuous operation on segments of the metropolitan area freeway system since September 1993, nearly 24 years. The purpose of the FSP is to promote smooth traffic flow during peak commute periods by providing for the rapid removal of disabled vehicles and vehicles involved in minor accidents. The current three-year towing contract ends on June 30, 2017. A Request for Proposal (RFP) for towing service for the next five-year period beginning July 1, 2017 and ending June 30, 2022 was issued on March 24, 2017. It was mailed to all 59 towing companies on the California Highway Patrol Fresno County Tow Rotation List and posted on the Fresno COG website.

One significant change was made for this next contract period. The contract will now be for a five-year period instead of a three-year period. This change was made for efficiency reasons on the part of the Towing Service Provider and Fresno COG Staff. The change was also made in order to better align with the contract terms of FSP Programs throughout the State and in hopes of saving money on the hourly rate, given that the Towing Service Provider would be able to extend any vehicle leases for a five-year term instead of a three-year term. Other aspects of the program remain unchanged. There will still be four beats running Monday through Friday (excluding holidays) that will provide service in the morning from 7:00 a.m. to 9:00 a.m., and in the afternoon from 3:30 p.m. to 6:30 p.m.

Only one proposal was received in response to the RFP. Historically, through all the contracting cycles of the FSP very few towing companies have submitted proposals in response to the RFPs issued. This may be because very few tow companies can meet the strict requirements of the program. In particular, these requirements include the financial resources to purchase and equip the necessary trucks and the hiring and retention of drivers who can pass background checks and meet other qualifications.

The proposal received was from Fresno Budget Towing Inc., the current FSP towing provider. The proposal amount is \$84.00/hour for 5,000 hours of service per year (5 hours/day/beat x 4 beats x 250 days/year = 5,000 hours/year). The proposal amount of \$84.00/hour is consistent with the current contract's hourly rate.

The selection committee, comprised of a representative of each of the FSP Partners, the California Highway Patrol, Caltrans and the Fresno COG, conferred on May 2, 2017, to review the proposal. The selection committee unanimously recommends that Fresno Budget Towing Inc. continue to provide FSP towing service for the next five-year period. This recommendation is based on several factors:

- Fresno Budget Towing has provided consistent excellent service during the nearly six years they have been the FSP towing provider. There have been no penalties assessed against them and survey responses are highly complementary of the service provided and the drivers who provide the service.
- They are financially strong, purchasing five new trucks for the service including the required back-up truck. Five of the trucks (including the back-up) will have a crew cab, thereby enabling the truck to more easily accommodate several passengers in the event the passenger vehicle must be towed to the CHP-approved drop location. One of the five trucks will be a 4x4 which will provide for additional capability.
- They have a team of experienced drivers that has been with the program and will continue with the program.
- The proposal amount is consistent with current hourly rate, which is beneficial in that the rate will be locked in for the next 5 years.

Action: Staff recommends that TTC/PAC authorize the Fresno COG Executive Director to enter into a contractual agreement with Fresno Budget Towing Inc. in an amount not to exceed \$420,000.00/year for five years beginning July 1, 2017 and ending June 30, 2022.

B. Regional Transportation Plan Update (Kristine Cai)

1. Blackstone Corridor Transportation & Housing Study Final Report (Kristine Cai) [APPROVE]

Exhibits:

Blackstone Corridor Report Blackstone Study Area

Summary: At the request of City of Fresno, Fresno COG provided \$150,000 to conduct the Blackstone Corridor Transportation & Housing study. The study area included Van Ness/Maroa Avenues to Harvard Avenue to Clark Avenue to Home Avenue (please see the attached map). The purpose of the study was to identify tools and opportunities for this area to be transformed from an auto-oriented corridor into a safe, accessible, multi-modal and mixed used environment that enhance the neighborhood quality and contribute to a vibrant community. The study also looked at opportunities for transit supportive infill development, improved connectivity to Blackstone Avenue and catalytic sites for revitalization in the study area.

The study report is a visioning document that can provide guidance for private development and public infrastructure investment in the area. The study identified emerging opportunities in the corridors and recommended 4 incremental development strategies for the study area:

1. Leverage catalytic sites identified by the study
2. Focus on public realm improvement
3. Promote land assembly for infill development
4. Achieve full potential of corridor

Attached is the Draft Final Report for review.

Action: Staff recommends that TTC/PAC approve the Blackstone Corridor Transportation & Housing Study final report.

2. Senate Bill 375 Greenhouse Gas Emission Reduction Target Recommendation (Kristine Cai)

[APPROVE]

Exhibits:

 GHG Target Recommendation

Summary: Senate Bill 375 (SB 375) requires that greenhouse gas (GHG) emission reduction targets be updated every eight years for the 18 Metropolitan Planning Organizations (MPO) in the State. The California Air Resources Board (ARB) adopted the first set of MPO targets in 2010. They are set for each region at a percent per capita reduction of passenger vehicle GHG emissions from 2005 level. The eight MPOs in the San Joaquin Valley were given the targets of 5% reduction for 2020, and 10% reduction for 2035 in 2010 (they are now in the process of updating the targets).

SB 375 is focused on GHG reduction from passenger vehicles through integrated transportation and land use planning. MPOs are tasked with the implementation of SB375 through the development of a Sustainable Communities Strategy (SCS) in the Regional Transportation Plan (RTP). An SCS is a forecast land use development pattern combined with transportation strategies, which if implemented, will meet or exceed the GHG reduction targets set by the ARB.

Due to declining transportation revenues and increased vehicle efficiencies which reduce the cost of driving and increases the overall vehicle miles driven (VMT), MPOs are having challenges achieving the existing targets. However, in order to meet the State's aggressive GHG reduction goals in SB 32 under the Governor's Executive Order B-30-15, the ARB is looking for more enhanced targets from each region. MPOs across the State sent consistent messages that the State needs to explore more tools such as pricing and other revenue strategies to achieve the state's goal.

Fresno COG's 2014 SCS achieved 11% per capita GHG reduction in 2035 and is proposing to aim for 13% per capita reduction by 2035 for the 2017 target update. Based on the modeling that has been conducted, 13% is an ambitious target to the Fresno Region, but can be achieved with the implementation of the latest general plans from the cities/county, and more aggressive investment in vanpool/carpool, active transportation, electric vehicle (EV) programs and other alternative transportation strategies. The 2035 target scenario is largely based on the 2014 SCS, which consists of land use strategies such as mixed uses and increased density, infill development, growth concentration along the high capacity transit corridors, etc. Transportation strategies in the target scenario include more investment in transit, bike/ped, carpool/vanpool programs and other alternative transportation strategies such as EV charging stations. The latest growth forecast is applied in the target scenario, and the Model Improvement Plan (MIP) 2 model and EMFAC2014 are used in the quantification of the GHG reduction.

Attached with the agenda is the target recommendation report submitted to ARB.

Action: Staff recommends that TT/PAC approve a Fresno region 2035 GHG reduction target of 13%.

3. **Feedback from the 2018 Regional Transportation Plan/Sustainable Communities Strategy Community Workshop (Seth Scott) [INFORMATION/DISCUSSION]**

Exhibits:

 Community Workshop Results

Summary: On April 25, 2017, Fresno COG hosted a community workshop at Hoover High School to promote the 2018 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) and garner public input on the SCS scenario development process. Staff will present the public's response to the four draft scenario concepts, as well as their expressed priorities and values. It is staff's hope that this information will help the RTP Roundtable in their selection of the four scenarios that will officially be analyzed as part of the RTP/SCS in May.

Furthermore, a subcommittee of RTP Roundtable members has been formed to modify the existing scenarios and propose new scenarios for the Roundtable's consideration in May. Ultimately, it is staff's recommendation that four scenarios be selected by the Roundtable at that meeting for inclusion in the SCS.

Action: Information. Direction may be provided at the discretion of the Committee.

C. **Measure C Transit Oriented Development Program Update (Kristine Cai) [INFORMATION]**

Summary: As directed by Fresno COG Policy Board and the Fresno County Transportation Authority Board to open up the (Measure C Transit Oriented Infrastructure for In-Fill Development (TOD)) program to the entire region, the TOD Technical Advisory Committee (TAC) has started the process of reviewing and updating the TOD program guidelines. Two meetings have been held in March and April. The TAC has moved to define the membership of the committee as follows:

- Fresno COG
- Fresno County Transportation Authority
- Fresno Area Express
- Fresno County Rural Transit Agency
- Clovis Transit
- City of Fresno
- City of Clovis
- Eastside Cities
- Westside Cities
- County of Fresno
- 3 public members (representing development communities, environment/health, and other sectors)

The TAC membership has been filled except one public member from "other sectors".

The TAC discussed several potential approaches to update the program, and decided to move forward with the two viable options:

1. Remove the "project location" requirement in the existing guidelines, which designated three locations inside the City of Fresno as the only qualified locations for the TOD funding, and make minor revisions to the existing scoring criteria.
2. Create an urban/rural split and develop two sets of scoring criteria for the urban and rural programs. The project location requirement will be removed from both programs.

Since there was no representation from the small cities at the April meeting, the TAC decided not to take action on which option to move forward until input is received from them at the next meeting, scheduled for May 31, 2017, at 2:00 p.m.

Action: Information. Direction may be provided at the discretion of the committee.

III. **ADMINISTRATIVE CONSENT ITEMS**

About Consent Items

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A. **Clearinghouse (Jennifer Soliz) [APPROVE]**

Exhibits:

| | Project | Applicant |
|----|---|---------------|
| 1. | Lead-Based Paint Hazard Control (LBPHC) | Fresno County |
| 2. | Multimedia Equipment for Community Center | Malaga |

Summary: Your agenda package includes this month's Clearinghouse Calendar containing "Project Notification and Review Reports" for grant proposal.

1. County of Fresno's application form SF-424 Lead-Based Paint Grant Hazard Control Program
2. Community Facilities Grant

Action: Per Board procedure, unless an item is pulled from the Consent Calendar, tacit authorization is given for staff to forward any comment(s) received, or any Committee/Board comment(s) generated as a result of this informational item, to the appropriate agency. It is understood that if in the event this item should be pulled from the consent calendar, discussion and comment by the board members and the public will be taken.

B. University of Colorado Denver Contract Indemnity (Les Beshears) [APPROVE]

Summary: Caltrans awarded Fresno COG a 5304 grant to perform a study on business commute in conjunction with Fresno State and University of Colorado Denver. On January 26, 2017 the Fresno COG Policy Board authorized contracts with Fresno State in the amount of \$142,737 and UC Denver in the amount of \$209,858. During the contract negotiations with UC Denver it became apparent there were issues regarding legal venue and indemnity. UC Denver advised they could not enter into a contract that compromised their governmental immunity per the laws of the State of Colorado and requested the venue for legal action be the State of Colorado instead of the State of California. UC Denver also proposed a mutual indemnity clause to replace the standard indemnity clause, written into the Fresno COG contract. During negotiations with legal counsel for UC Denver, Fresno County Counsel advised that the legal venue must remain in the State of California, as funding is from a grant by the California State Department of Transportation, and that Fresno COG should not have to travel to the State of Colorado to litigate matters related to the grant. UC Denver legal counsel agreed to seek permission from the UC Denver Chancellor to accept Fresno COG's contract language. However, an indemnity clause was unsatisfactory for UC Denver. Fresno County Counsel agreed the indemnity clause proposed by UC Denver would be legally acceptable, but determined it was a significant enough change to warrant taking this back to the Fresno COG Policy Board for authorization.

The standard Indemnity clause reads as follows:

CONTRACTOR agrees to indemnify, save, hold harmless, and at FCOG's request, defend the FCOG, its boards, committees, representatives, officers, agents, and employees from and against any and all costs and expenses (including reasonable attorneys fees and litigation costs), damages, liabilities, claims, and losses (whether in contract, tort, or strict liability, including, but not limited to, personal injury, death, and property damage) occurring or resulting to FCOG to the extent they are caused from any negligent, recklessness or willful misconduct of CONTRACTOR, its officers, agents, subcontractors, or employees in their performance of this Agreement, and from any and all costs and expenses (including reasonable attorneys fees and litigation costs), damages, liabilities, claims, and losses (whether in contract, tort, or strict liability, including, but not limited to, personal injury, death and property damage), occurring or resulting to any person, firm, corporation, or entity who may be injured or damaged to the extent such injury or damage arises from any negligent acts, errors or omissions of CONTRACTOR, its officers, agents, subcontractors, or employees in their performance of this Agreement.

The substitute liability clause proposed and acceptable to UC Denver reads as follows:

Each party hereto agrees to be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the full extent allowed by law.

Action: Staff recommends the TTC/PAC to authorize the Executive Director to enter into the contract with UC Denver using the substitute liability clause in lieu of the standard indemnity clause.

C. **Monthly Legislative Update (Trai Her-Cole) [INFORMATION]**

To locate current and past year **state bill information** go to the Official California Legislative Information webpage at: <http://www.leginfo.ca.gov/>

To locate current and past year federal bill information go to THOMAS, The Library of Congress's bill information website (in the spirit of Thomas Jefferson) at: <http://thomas.loc.gov/>

Please contact staff person, Trai Her-Cole, if you have any questions or comments.

IV. **ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

A. **Fiscal Year 2017-18 Overall Work Program and Budget-Resolution 2017-02 (Tony Boren) [APPROVE]**

Exhibits:

OWP Memo OWP Resolution 2017-02

Summary: The Fiscal Year (FY) 2017-18 Overall Work Program (OWP), totaling \$15,833,473, is submitted for adoption. The proposed budget decreased \$3,464,988 from last year. Operational revenues remain intact, reserves are adequate, and the agency continues to operate within the bounds of prudent management.

The final proposed budget increased \$4,500 from the draft submitted in February to correct an error on the Advertising & Legal Notice budget in the Indirect Overhead category.

The proposed FY 2017-18 budget total reflects a decrease of 18% from the approved FY 2016-17 budget. This decrease is spread over a large variety of programs; however, a significant factor causing this reduction is simply that federal grants for multi-year projects are fully funded in our operating budget and funds that are spent are not reflected in the subsequent year's budget.

There is a commensurate decrease in one-time expenses associated with this phenomenon, and generally, operating expenses are not affected. Decreases in revenues resulting of this sort are the Federal Transit Administration (FTA) Section 5307 Urbanized Area Formula Program funds, funding demonstration projects providing public transit service to Yosemite and Sequoia national parks, the FTA Section 5316 Job Access & Reverse Commute (JARC)\ FTA Section 5317 New Freedom Grant program, the Prop 84 Sustainable Communities Grant from the Department of Conservation, and the Interstate 5 and Highway 99 Goods Movement Study funded from the State Highway Account (SHA).

Federal revenues decreased 24% (\$1,968,226) reflecting the previously mentioned FTA 5307 and the FTA Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities program, FTA Section 5316 & FTA Section 5317 drawdowns. State revenues decreased 38% (\$504,236) largely due to the drawdown of the Prop 84 Sustainable Communities grant and completion of the state funded San Joaquin Valley Goods Movement Freight Study. Local revenues decreased 10% (\$992,526), a significant part of which is Cash Match revenue from FTA Section 5310 projects that were spent down along with the progress of the design phase of the Golden State corridor project funded by Local Measure C revenues. Furthermore, utilization of the Measure C Taxi Scrip, Carpool, Commuter and Farm Worker Vanpool programs continue to grow.

The full document will be available prior to the meeting at <http://www.fresnocog.org>.

Action: Staff recommends approval of Resolution 2017-02 approving the FY 2017-18 Overall Work Program and Budget.

B. **Resolution in Supporting of One Voice Sustainable Aviation Project (Tony Boren) [APPROVE]**

Summary: This joint venture called the Sustainable Aviation Project (SAP) is an advanced transportation technology project that will recruit, train and place veterans, youth and career seekers from disadvantaged communities into pilot training programs for electric aircraft.

SAP is requesting \$1,500,000 to train approximately 225 career seekers for private pilot certification through ground training at Reedley College Flight Science Program and 35 hours of flight training at Mazzei Flying Service. Training cost will also include license exam fees, medical certificate, FBI fingerprinting and background checks. For additional supportive services we will leverage and braid Workforce Innovation and Opportunity Act (WIOA) funds to ensure the success of our participants.

The One Voice delegation presented this project to our congressional representatives and federal agencies during the 2017 One Voice trip.

Action: Staff and the One Voice delegation recommend TTC/PAC approve a resolution in support of the Sustainable Aviation project.

C. **San Joaquin Valley Water Authority - Orange Cove Dues (Les Beshears)**
[INFORMATION/DISCUSSION]

Exhibits:

SJVWIA Dues Pro Rate by Population

Summary: In 2015 five counties (Merced, Madera, Fresno, Kings and Tulare) in the Central Valley formed the San Joaquin Water Infrastructure Authority (SJVWIA) Joint Powers Authority (JPA) to address critical Valley Water Issues. Along with board representation from County Boards of Supervisors and Irrigation Districts, the JPA designated a board position for an East Side and West Side city-at-large. The JPA Board also approved a \$50,000 per designated agency dues structure to pay for the administrative cost of the SJVWIA JPA. The Fresno Council of Governments nominated, and the JPA accepted, Mayor Victor Lopez from the City of Orange Cove as the East Side city representative, however, the City of Orange Cove could not pay the \$50,000 dues. The Fresno COG nominated the City of Clovis as an alternate, but there is no dues requirement for the alternate. Mayor Lopez requested Fresno COG act as a forum to request that the cities and Fresno County assist the City of Orange Cove in paying the dues. The item was discussed at the December 17, 2015 Fresno COG Policy Board meeting and a consensus obtained to divide the \$50,000 up by county population and have Board members take the item to their individual Councils or Board to see if they were interested in providing a pro rata share of that cost. It was emphasized that this was not a Fresno COG jurisdictional item. At the January 28, 2016 Fresno COG Policy Board meeting general consensus appeared to be all the agencies would participate. During the discussion Mayor Swearingen, City of Fresno, indicated it would be a one-time contribution and if any additional levy occurred it would go back to the Cities and County and not Fresno COG.

At the April 27, 2017, Fresno COG Policy Board meeting during a presentation by SJVWIA Executive Director Mario Santoyo on the dealings of the Authority, Mayor Victor Lopez requested Fresno COG Executive Director Tony Boren send correspondence to the member agencies requesting they help the City of Orange Cove defray the current year \$50,000 dues assessment. Chairman Dhaliwal emphasized this was not a Fresno COG jurisdictional issue and the Councils and Board of the respective member agencies would make the decision. Executive Director Mario Santoyo indicated he would meet with Mayor Lopez to compile a letter to be sent out to the agencies explaining the need for the request. Fresno COG staff updated the population spreadsheet, pro rating the \$50,000, then sent it out to member agencies on Mayor Lopez's behalf to facilitate the discussion.

Action: Information and discussion. Direction may be provided at the discretion of the committee.

V. **OTHER BUSINESS**

A. Items from Staff

1. 2017 One Voice Trip Update (Tony Boren) [INFORMATION]

Fresno COG Executive Director, Tony Boren will provide a verbal summary of this year's One Voice trip.

B. Items from Members

VI. PUBLIC PRESENTATIONS

A. Public Presentations

This portion of the meeting is reserved for persons wishing to address the Committee on items within its jurisdiction but not on this agenda. **Note: Prior to action by the Committee on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**