

Fresno COG Policy Board

Date: Wednesday, October 30, 2019
Time: 5:30 PM
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Americans with Disabilities Act (ADA) Accommodations

The Fresno COG offices and restrooms are ADA accessible. Representatives or individuals with disabilities should contact Fresno COG at (559) 233-4148, at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG is unable to accommodate an auxiliary aid or translation request for a public hearing, after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

AB23 REQUIREMENT: IN ACCORDANCE WITH THE BROWN ACT AND AB23 THE STIPEND AMOUNT PAID TO MEMBERS FOR ATTENDING THIS MEETING OF THE FRESNO COUNCIL OF GOVERNMENTS POLICY BOARD IS \$100

AGENDA AND ANNOTATED AGENDA IN PDF FORMATING FOR PRINTING

Exhibits:

Agenda Annotated Agenda

Fresno County Rural Transit Agency Meeting Package - Meeting will follow Policy Board meeting

Exhibits:

FCRTA Packet

PLEDGE OF ALLEGIANCE

I. Sitting as the Fresno County Mayors City Selection Committee (Excludes County of Fresno)

1. Call Meeting to Order and Roll Call Approval
2. of the September 26, 2019, Minutes
3. SAN JOAQUIN VALLEY LOCAL GOVERNMENT PLANNING SUPPORT GRANTS PROGRAM WORKING GROUP

Appoint one (1) Primary Member (large city) to the Local Government Planning Support Grants Program Working Group, term effective November 30, 2019. The term to expire December 31 , 2024.

4. PUBLIC PRESENTATIONS:

(This portion of the meeting is reserved for a person desiring to address the City Selection Committee on any matter the committee has jurisdiction over which is not on this agenda).

5. ADJOURNMENT

Fresno COG Sitting as the Fresno Council of Governments Policy Board

II. 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 Policy Board 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 Policy Board concerning the item before action is taken.

A. Executive Minutes of September 26, 2019 [APPROVE]

Exhibits:

 September Minutes

B. City of Selma Transportation Development Act Claim (Les Beshears) [APPROVE]

Exhibits:

 Selma TDA  Resolution 2019-32

Action: Approve Resolution 2019-32, adopting the City of Selma's 2019-20 Transportation Development Act claims totaling \$1,183,468.

C. Transportation Network Vulnerability Assessment – Vulnerability Assessment Summary Memo [INFORMATION] (Meg Prince)

Exhibits:

 TNVA Memo

Summary: Fresno COG received a Caltrans Sustainable Communities Planning Grant to develop a Fresno County Regional Transportation Network Vulnerability Assessment, which will identify aspects of the transportation network that are vulnerable to potential impacts of climate change, such as extreme heat, changes in precipitation, and wildfire.

One of the project deliverables is a memo to the Vulnerability Assessment Working Group and other interested stakeholders summarizing the transportation network's exposure and vulnerabilities.

The attached draft Vulnerability Assessment Summary Memo includes: historical context and future projections for extreme weather and climate in Fresno County; findings from public outreach; transportation system analysis findings, including scoring of assets; as well as additional analyses.

Next steps include developing adaptation strategies, which will also be summarized in a memo, along with a final report for adoption in February 2020.

Any questions or feedback can be directed to Meg Prince, Associate Regional Planner, at mprince@fresnocog.org or (559) 233-4148 x203.

Action: Information/discussion. The Policy Board may provide additional direction at its discretion.

D. **Caltrans 2019 FTA Section 5310 Funding for Small Urban and Rural Projects (Peggy Arnest)**
[APPROVE]

Exhibits:

Resolution 2019-33

Summary: The FTA Section 5310 Program provides grants aimed at serving elderly persons and persons with disabilities where public mass transportation services are otherwise unavailable, insufficient, or inappropriate. In its state-designated role as the Regional Transportation Planning Agency (RTPA) for Fresno County, Fresno COG serves as the Regional Evaluation Committee for Small Urban and Rural Section 5310 applications that Caltrans receives from its statewide call for projects.

Eligible applicants include private nonprofit corporations, public agencies where no non-profit corporations are readily available to provide the proposed service and public agencies that have been approved by the state to coordinate services.

On July 1, 2019, Caltrans opened a call for projects for Small Urban and Rural Projects. Caltrans received one application from a Fresno County agency. Central California United Cerebral Palsy applied for \$255,310 in Caltrans funding for three buses and one van to support its services in the Coalinga area. Caltrans has requested a resolution supporting the request. The resolution is attached to this item.

Action: Staff and TTC/PAC recommend the Policy Board approve the resolution supporting the Central California United Cerebral Palsy project.

III. **TRANSPORTATION ACTION/DISCUSSION ITEMS**

A. **2019 Fresno Regional Transportation Innovations Summit (Brenda Veenendaal) [INFORMATION]**

Summary: Fresno COG and the Fresno State Transportation Institute hosted the 2019 Fresno Regional Transportation Innovations Summit on October 23, 2019. Staff will provide a brief synopsis of the event.

Action: Information/discussion. The Board may provide additional direction at its discretion.

B. **Regional Transportation Mitigation Nexus Fee 5-Year Update (Les Beshears) [APPROVE]**

Exhibits:

RTMF Report

Summary: The Regional Transportation Mitigation Fee (RTMF) is levied countywide by the Fresno County Transportation Authority (FCTA) per the 2007 Measure C extension and implemented by Fresno COG per the Fresno County Regional Transportation Mitigation Fee agency. Fresno COG is performing a statutory update to the program that could change the fee structure. WSP (formerly Parsons Brinkerhoff) is providing the technical expertise for this update.

The update must be adopted by January 1, 2020 by both the Authority and Mitigation Fee Agency boards to continue the fee. To meet that deadline, the first committee meeting was convened on January 17, 2019, to give the consultant direction. A subcommittee meeting was convened on July 3, 2019, to review WSP's initial recommendations, which were conveyed to the Board in September. A follow-up subcommittee was held on October 3, 2019, to finalize the recommendations.

The first recommendation is to extend the planning horizon for the fee program to 2035 to be consistent with Fresno COG's normal planning horizon and the legal and financial environment under which the mitigation fees exist. A key motivation for expanding the planning horizon is so early development is not unnecessarily burdened by high project costs that will benefit future development.

The second recommendation is to use Synchro software for intersection-specific analysis and to include the City of Fresno's estimates for South Industrial Priority Area instead of the Sustainable Communities Strategy's land use assumptions. Fresno COG's traffic model is not designed to perform intersection-specific analysis and Synchro is a standard engineering tool for most common traffic analysis situations. This recommendation makes the State Route 99 North/Cedar interchange eligible for the fee calculation.

The third recommendation is to continue using ITE floor space ratios. The ITE method has been standard industry practice and is consistent with the original nexus and 2015 update.

Including SR99 North/Cedar in the fee calculation increases eligible project costs 40 percent; however, the average fee increases 34 percent because the composition of various fee categories has changed and trip generation varies among categories. The residential rate goes up \$481 from \$1,637 to \$2,118, which is significantly lower than the five other mitigation fees in the San Joaquin Valley. The second-lowest residential fee in the Valley is not quite double Fresno's proposed fee, and the highest fee is over six times greater.

This item will return to the Board for ratification in November after an informal public comment period.

Action: Information/discussion. The Policy Board may provide additional direction at its discretion.

C. **Safer Affordable Fuel Efficient Vehicle Rule Update (Kristine Cai/Braden Duran) [INFORMATION]**

Summary: Earlier this year, Fresno COG's Board and Committees were notified of the upcoming Safer Affordable Fuel Efficient (SAFE) Vehicles Rule, which has now been partly finalized as of September 19, 2019.

The Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) have decided to withdraw the 2013 California Clean Act waiver, which invalidates the statewide EMFAC (emissions factors) model. EMFAC is the air quality model developed and used exclusively in California. The EPA and NHTSA are still working on the second part of the SAFE Vehicles Rule, which would roll back the Corporate Average Fuel Economy (CAFÉ) and greenhouse gas vehicle emissions standards established under the Obama Administration. This is due to be finalized before the end of the year. California, 22 other states, the District of Columbia, and the cities of Los Angeles and New York have filed a lawsuit for permanent injunctive relief, and the lawsuit is forecasted to work its way up to the U.S. Supreme Court on an undetermined timeline.

The final rule regarding California's waiver will take effect on November 26, 2019, with no grace period for transportation conformity. The final rule will have severe impact on California's ability to deliver transportation projects. The EMFAC model makes assumptions about cleaner cars traveling on our transportation system. Once the SAFE rule is implemented, the EMFAC model could not take credits for such assumptions, and the California Air Resources Board will have to redevelop the model.

Without a valid air quality model, local transportation agencies such as Fresno COG would not be able to demonstrate air quality conformity, which is required under the Clean Air Act. As a result, transportation agencies will not be able to update their Regional Transportation Plans (RTP) or Federal Transportation Improvement Programs (FTIP) if any new capacity-increasing projects are proposed.

This will affect member agencies' ability to specifically add new capacity-increasing projects that are not already included in the 2018 RTP/2019 FTIP project listings, nor will Fresno COG be able to modify any projects on the 2018 RTP/2019 FTIP lists that require a scope change or updated "open to traffic" date.

Fresno COG is closely following the SAFE Vehicles Rule and its impacts, and staff will share the latest information with our committees and policy board as necessary. For questions related to the SAFE Rule, please reach out to Kristine Cai or Braden Duran, and for its impact to project delivery, please reach out to Suzanne Martinez or Jennifer Soliz.

Action: Information/discussion. The Policy Board may provide further direction at its discretion.

D. **Multi-jurisdictional Pavement Management Program Final Report (Kristine Cai) [ACCEPT]**

Summary: Fresno COG allocated SB 1 formula planning funds to develop a Multi-Jurisdictional Pavement Management Program for nine local cities within the region that do not have such a program in place: Firebaugh, Mendota, San Joaquin, Coalinga, Huron, Orange Cove, Selma, Fowler and Kingsburg. A Pavement Management Program is designed to provide objective information and useful data for analysis so local governments can make more consistent, cost-effective and defensible decisions about preserving a pavement network. With the Pavement Management Program, the cities will be able to prioritize roadway improvements and better manage their roadway repair and maintenance.

The Multi-Jurisdictional Pavement Management Program provided each of the nine cities with a free year of StreetSaver software. The consultant also: conducted a pavement condition assessment, set up the program, calculated the pavement condition index (PCI), provided cost estimates for different maintenance treatments, trained local staff, and conducted budget scenarios analysis for all the nine cities. A report for each of the individual cities and can be found at: <https://www.fresnocog.org/multi-jurisdictional-pavement-management-system/>. Finally, the consultant conducted a regional pavement analysis to help us understand pavement conditions in general, as well as funding needs for roadway maintenance in Fresno County.

NCE, the consultant selected to develop the Multi-Jurisdictional Pavement Management Program, will make a short presentation regarding the program.

Action: Staff, TTC and PAC request that the Policy Board accept the final report for the Fresno County Multi-Jurisdictional Pavement Management Program.

E. **Caltrans Report (Caltrans) [INFORMATION]**

IV. **ADMINISTRATIVE CONSENT ITEMS**

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A. **Monthly Legislative Report (Trai Her-Cole) [INFORMATION]**

Summary: Attached is the most recent legislative report for the California State Legislature 19-20 session and a federal report from Simon and Company. To locate current and past-year state bill information, go to the Official California Legislative Information webpage at leginfo.ca.gov/

To locate current and past-year federal bill information go to THOMAS, the Library of Congress's bill information website at <http://thomas.loc.gov/>

Action: Information. The Policy Board may provide additional direction at its discretion.

V. **ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

A. **Assembly Bill 101 - San Joaquin Valley Housing Working Group (Robert Phipps) [INFORMATION]**

Summary: At its September meeting, the City Selection Committee appointed Mayor Pro Tem Gary Yep, City of Kerman, to serve as the Fresno region's small-city representative to a statutorily established San Joaquin Valley "working group" whose mission will be to allocate \$125 million in new housing planning funds through Fresno COG.

The Committee tabled an appointment of the large-city representative, from either Fresno or Clovis, until its October 30 meeting. In addition, Fresno COG awaits a formal decision from the County of Fresno on the third member, who must be a County Supervisor.

The 24-member working group, comprising three members from each of the eight San Joaquin Valley counties, is mandated under AB 101, which Gov. Newsom signed this past summer. The bill apportions \$1.7 billion in state funding to help expedite housing construction.

Of that total, \$250 million was set aside for planning assistance to cities, counties and councils of government in anticipation of the Regional Housing Needs Assessment (RHNA) cycle six. Of the \$250 million, the state Department of Housing and Community Development (HCD) will apportion half directly to local jurisdictions. The other \$125 million will be passed through COGs following the working group's application and recommendations. The San Joaquin Valley's share of this program is estimated at \$20 million, with Fresno's share anticipated in the \$5 million range.

Eligible expenditures include: updating general plans and housing elements; zoning sufficient land to address the newest housing apportionments; infrastructure support planning for new housing; housing trust funds and; a variety of other eligible expenses.

The Valleywide working group must be established no later than November 30, 2019. HCD must receive an extensive application detailing how the working group intends to use the funding by January 2021, complete with a robust public involvement process. Clean-up language in AB 113 allows for regions to receive up to 25 percent of available monies in advance to assist with the application process for the remaining 75 percent.

HCD is expected to have program guidelines in place by December. Staff anticipates that the working group will be supported by a technical advisory committee comprising city managers, public works directors, for-profit and non-profit organizations, housing advocates, and other stakeholders.

Action: Information/discussion. The Policy Board may provide further direction at its discretion.

B. Governor Newsom Administration Executive Order - Transportation (Robert Phipps)
[INFORMATION]

Summary: Multiple recent directives and discussions at the state level suggest that the Newsom administration will be going to considerable lengths in the coming months to reverse a statewide increase in vehicle miles traveled (VMT), a key component under SB 375 and SB 743 toward helping California reach its goal to reduce greenhouse gas emissions 80 percent below 1990 levels by 2050.

On September 9, the governor appointed Adetokunbo Toks Omishakin -- who formerly led the Tennessee Department of Transportation's Bureau of Environment and Planning -- as the newest Caltrans director. Mr. Toks Omishakin is a leading voice in the bicycling/walking community who has advocated strongly for bicycling and pedestrian-friendly policies in design and engineering manuals.

On September 25, the two newest California Transportation Commissioners were sworn into office. Tamika Butler is the California planning director for Toole Designs, and leads equity and inclusion efforts. She also served as executive director of the Los Angeles County Bicycle Coalition and has been a fierce advocate for environmental justice in transportation planning. Hilary Norton, who runs Fixing Angelenos Stuck in Traffic (FAST) in Los Angeles, has worked with various stakeholders, including many business groups, to rally support for a broad range of transportation choices for southern Californians. Within transportation planning circles, all three appointments are widely considered to be a reaction to the dominant engineering culture at Caltrans, which has heretofore emphasized safety and congestion relief for vehicles.

In addition, on September 20, Gov. Newsom issued a wide-ranging executive order -- described as "landmark" in a press release -- that generally calls on the state to leverage its \$700 billion pension investment portfolio and assets to advance California's climate leadership.

Among the specific directives, the State Transportation Agency (CalSTA) has been ordered to "invest its annual portfolio of \$5 billion toward construction, operations and maintenance to help reverse the trend of increased fuel consumption and reduce greenhouse gas emissions associated with the transportation sector.

"CalSTA, in consultation with the Department of Finance, is also directed to align transportation spending, programming and mitigation with the state's climate goals to achieve the objectives of the state's Climate Change Scoping Plan, where feasible. Specifically, the Governor is ordering a focus for transportation investments near housing, and on managing congestion through innovative strategies that encourage alternatives to driving."

This action is in line with the Governor's budget talks for the next fiscal year that appear to be focusing on reducing capital highway funding. On October 1, the California Transportation Commission unveiled the most recent Interregional Transportation Improvement Program (ITIP) estimates for 2020, which dramatically reduced capital highway investments in the San Joaquin Valley.

While the effect on the Fresno region was relatively minor, the estimate fully deleted two widening projects along State Route 99 in adjacent Tulare and Madera counties, as well as delaying a third major widening project along State Route 46 in Kern County. State funding for intercity rail increased.

In Sacramento, transportation officials are indicating that the executive order will likely result in increased scrutiny from Caltrans on the VMT reduction metric codified in SB 743, which substitutes VMT for level-of-service (traffic congestion) as the defining metric for prioritizing capital highway projects.

In addition, there appears to be interest coalescing around amending SB 375, ostensibly to better ensure local land use plans are compatible with regional Sustainable Communities Strategies such as those found in Fresno COG's 2018 Regional Transportation Plan. Fresno COG has formally requested to serve on an ad-hoc committee through CalCOG that will examine potential amendments.

Action: Information/discussion. The Policy Board may provide additional direction at its discretion.

C. **Fresno COG Ransomware Server Breach (Tony Boren) [INFORMATION]**

Summary: Staff will provide a verbal update on the ransomware attack that disabled Fresno COG's primary server and remote back-up system.

Action: Information/discussion. The Board may provide additional direction at its discretion.

VI. **OTHER ITEMS**

A. **Items from Staff**

B. **Items from Members**

VII. **PUBLIC PRESENTATIONS**

A. **Public Presentations**

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