

Policy Advisory Committee

Date: Friday, November 8, 2019
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/Policy Advisory Committee

A. Caltrans Report (Caltrans) [INFORMATION]

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 October 11, 2019 [APPROVE]

Exhibits:

October Minutes

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

Exhibits:

First Quarter Report

C. **2020 Annual Fresno COG Meeting Calendar [APPROVE]**

Exhibits:

Annual Meeting Calendar

D. **Circuit Planner and Engineer Program – Update on Current Tasks (Meg Prince) [INFORMATION]**

Summary: This is an update on those tasks underway through Fresno COG's Circuit Planner and Engineer Program, which provides technical assistance to the small cities in Fresno County. Such assistance may include but is not limited to: planning studies, delivering projects, grant applications, environmental documents, engineering services, etc.

Circuit Planner:

- San Joaquin zoning review and streamlining – Rincon is developing a scope for reviewing the City of San Joaquin's zoning code and providing recommendations for how it can be streamlined and/or incorporate smart growth principles. Rincon will likely help San Joaquin apply for an SB 2 planning grant to facilitate this work as well.
- Sanger zoning review – Collins & Schoettler is developing a scope for reviewing the City of Sanger's zoning code and providing recommendations for opportunities to streamline and/or incorporate smart growth principles.
- City of Kingsburg alley design guidelines – Collins & Schoettler is developing a scope for design guidelines to convert various downtown alleys into pedestrian-friendly environments.
- City of Selma downtown multi-use overlay zone – Rincon is examining the potential to develop a multi-use overlay zone for downtown Sanger. Rincon will likely help City of Selma officials apply for an SB 2 planning grant to fund this.
- Reedley Manning/Buttonwillow Master Plan Assistance – on-call technical assistance for master plan for property located on Manning and Buttonwillow.

Circuit Engineer:

- Coalinga bike & ped counts – VSCE is collecting "after" bike and ped counts for an Active Transportation Project (ATP) that the City of Coalinga received.
- Mendota bike & ped counts – VSCE is coordinating with Mendota "before" bike and ped counts for an ATP project that city officials received.
- Fowler bike & ped counts – VSCE is in the process of coordinating with Fowler bike and ped counts for various locations.
- Reedley Manning/Buttonwillow Master Plan Assistance – on-call technical assistance for master plan for property located on Manning and Buttonwillow.

For questions or to discuss project assistance needs, please contact Meg Prince, Associate Regional Planner, at mprince@fresnocog.org or (559) 233-4148 x203.

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

E. **HCD Framework for Prohousing Designations and Early Action Planning Grants (Meg Prince) [INFORMATION]**

Summary: The 2019-20 Budget Act provides a spectrum of housing planning support, incentives, funding resources, and accountability measures to meet California's housing goals, including the following two programs:

1. Prohousing Designation Program

The California Department of Housing and Community Development (HCD) released a framework paper and survey for input on conceptual approaches to implementation of the Prohousing Designation Program.

The Prohousing Designation Program is intended as an incentive for jurisdictions to adopt policies that accelerate housing production and other housing goals. Prohousing jurisdictions will be awarded additional points or preference in programs such as the Affordable Housing and Sustainable Communities (AHSC), Transformative Climate Communities (TCC), and Infill Infrastructure Grant (IIG) programs.

HCD is seeking feedback regarding its approach in key areas and the prohousing policies. Feedback will inform several subsequent processes, including developing emergency regulations to determine which jurisdictions will be designated as prohousing in 2020.

Comments on the framework paper, survey responses and questions can be sent to to: ProhousingPolicies@hcd.ca.gov by November 15, 2019.

2. Early Action Planning Grants Program, including Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) grants

HCD wants to provide initial direction to local governments that may elect to use Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) grants to establish prohousing policies and eventually earn a prohousing designation.

Approximately \$250 million in one-time funding is available in Early Action Planning Grants, with \$125 million available to each region (REAP grants) and local jurisdictions (LEAP grants). The grants are intended to assist in planning for activities related to meeting the sixth cycle regional housing need assessment.

The NOFA for LEAP grants is expected to be released in late 2019 or early 2020, with an application deadline of July 1, 2020.

Up to 25 percent of the REAP grants for regional agencies are available now. The NOFA for the full amount of REAP grants is expected to be released in early 2020.

For questions about the Prohousing Designation Program and Prohousing Policies, email ProhousingPolicies@hcd.ca.gov. For questions about the Early Action Planning grants, email EarlyActionPlanning@hcd.ca.gov.

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

F. 2019-20 Congestion Mitigation and Air Quality (CMAQ) Cycle Update (Braden Duran) [INFORMATION]

Summary: Fresno COG is accepting applications for the 2019-2020 Congestion Mitigation and Air Quality (CMAQ) program. An application workshop was held on October 2nd and **applications are due by Friday, November 15.**

The CMAQ program is authorized in the federal Fixing America's Surface Transportation Act (FAST Act) and is a cornerstone of transportation funds distributed to regions. Fresno COG, acting in its role as a Metropolitan Planning Organization (MPO), is responsible for programming future federal transportation revenues for the Fresno region in the Federal Transportation Improvement Program (FTIP). CMAQ funds are reimbursable, federal-aid funds, subject to the requirements of Title 23, United States Code.

All relevant materials including program guidelines, the application packet and more can be found at fresnocog.org. Prospective applicants are encouraged to contact Braden Duran for more information or application assistance.

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

G. **Innovative Coordinated Access and Mobility (Mobility for All) Pilot Program (Trai Her-Cole)**
[INFORMATION]

Exhibits:

Grant Opportunity

Summary: The U.S. Department of Transportation (DOT) Federal Transit Administration (FTA) has issued a Notice of Funding Opportunity (NOFO) for the **Fiscal Year (FY) 2020 Innovative Coordinated Access and Mobility (Mobility for All) Pilot Program**. The purpose is to support pilot programs that utilize innovative transportation strategy coordination and partnerships to enhance mobility for older adults, individuals with disabilities, and low-income people. There is \$3.5 million in total program funding. There is not an individual award floor or ceiling, but FTA seeks to fund as many projects as possible, which may result in awardees receiving less funding than they requested in their application. There is a 20 percent minimum local cost-share requirement, which must be satisfied through cash or in-kind contributions. Please see the attached memo for more information and let us know if you have any interest in this opportunity. The application deadline is January 6, 2020.

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

II. **TRANSPORTATION ACTION/DISCUSSION ITEMS**

A. **SB 743 Guideline Development -VMT Threshold (Kristine Cai)** **[INFORMATION]**

Summary: Senate Bill 743 (SB 743) requires level of service (LOS) be replaced with vehicle miles traveled (VMT) as the performance metric in transportation impact analyses for the California Environmental Quality Act (CEQA) process. This shift will bring profound changes to how local governments and other lead agencies approve land use and transportation projects, considering that the primary goal is to encourage urban infill development and discourage sprawl.

SB 743 will take effect statewide on July 1, 2020. Fresno COG is leading an effort to develop regional guidelines to assist the member agencies. The guidelines can be adapted by local jurisdictions as they see fit and are strictly advisory. The recommendations in the guidelines will need to be approved or adopted by each of the jurisdictions' city councils or the Board of Supervisors to become effective.

Fresno COG's SB 743 process was launched in August, and a VMT baseline for each jurisdiction now being developed. The cities/County will have the choice of setting their own VMT thresholds based on the baseline and the regional VMT. Preliminary VMT numbers were reviewed at the Technical Committee meeting on October 28; however, only four out of the 16 jurisdictions participated and provided comments. It is critical the member agencies be involved in the process and provide feedback on the recommendations. The next SB 743 Technical Committee meeting will be held at 2 p.m. November 20th. VMT recommendations will be further discussed and attendance from all the member jurisdictions is strongly encouraged.

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

B. **Regional Transportation Improvement Program (RTIP) Submittal Resolution 2019-34 (Jennifer Soliz)** **[APPROVE]**

Exhibits:

2020 RTIP Resolution 2019-34 2020 RTIP Programming

Summary: The California Transportation Commission (CTC) adopts a new State Transportation Improvement Program (STIP) every two years. The STIP is a five-year capital improvement program of transportation projects on and off the state highway system, funded with revenues from the State Highway Account and other funding sources. As part of the STIP development process, each region is required to produce a Regional Transportation Improvement Program (RTIP), which comprises regional priorities for 75 percent of the funding in the STIP. Concurrent with the RTIP development at the regional level, Caltrans is required to produce the Interregional Transportation Improvement Program (ITIP) for the remaining 25 percent of STIP funding. The ITIP comprises interregional priorities set by Caltrans in collaboration with the regions. Caltrans merges the regions' RTIPs and Caltrans' ITIP into the statewide document, the STIP, and submits it to the CTC for approval.

The 2020 STIP fund estimate provided limited new capacity in FY 2023-24 and FY 2024-25, and overall STIP capacity is significantly lower than initially envisioned under the new funding that SB 1 provides.

The Fresno region currently has \$36.9 million in unprogrammed balances, while its target through FY 2024-25 is \$12.4 million.

Fresno COG's RTIP is dedicated to the region's priorities as listed in the Measure C Expenditure Plan approved by voters in 2006. The Fresno region has a long standing policy of leveraging state and federal funding on major transportation improvements by partnering those resources with our half cent regional sales tax- Measure C. The Fresno COG 2020 RTIP submittal programs \$49.2 million in STIP county shares, bringing the Fresno region's total to \$75.4 million. The STIP priorities for our region, were adopted by the Fresno COG Policy Board at their September 26, 2020, meeting.

Staff's intent for the 2020 RTIP will be to continue delivering the South Fresno Interchange Project, while carrying over the other projects previously programmed. RTIP project funding is detailed on the attached programming document. Project details are as follows:

State Route (SR) 180 W – Freeway landscaping: This landscaping project is required mitigation for the SR 180 freeway extension west of SR 99 that was constructed by the original (1986-2006) Measure C program. The project has been carried over due to a lack of STIP funding. As a result of the delay, project costs have increased \$400,000 to \$6.29 million. With this cost increase in mind, \$400,000 in additional STIP funds are requested in FY 2020-21, bringing the total committed STIP funds on the project to \$5.74 million.

SR 41 Excelsior Expressway: This project widens 24 lane miles of SR 41 between Elkhorn Avenue and the Kings County Line, **completing the improvement begun under the original measure.** The primary funding comes from Caltrans' ITIP with a small component of the project being funded by Regional Improvement Program (RTIP) funding. The ITIP lists construction funding in FY 2024-25. Total project costs have increased \$16.4 million to \$78.9 million. Additional RTIP funds of \$5.75 million are requested bringing the total Fresno County shares on the project to \$7,750,000.

Initially, Caltrans had proposed combining this project with two State Highway Operation and Protection Plan (SHOPP) Round-a-bout projects scheduled for construction in FY 2022-23 but the delay in ITIP funds prevents that from occurring. The SHOPP projects will proceed as scheduled and the Expressway widening from 4-6 lanes will be constructed as a stand- alone project.

Veterans Blvd: STIP funds for Veterans Blvd. are currently programmed for construction in FY 2019-20. However, it should be noted that in order to facilitate delivery of the project, the City of Fresno has broken the project into five phases. Phase 3 is construction of the actual interchange that includes \$14,616,000 million in STIP funds in FY 2020-21. This phase is being delayed due to construction sequencing of the various phases, therefore Fresno will request an extension to FY 2020-21. Total cost for the project is currently estimated at \$139,824,000. No additional STIP funds are requested.

South Fresno Interchange: \$3 million in 2018 STIP funds was programmed to environmentally clear three obsolete "half" interchanges along State Route 99. These interchanges are: North/Cedar, Chestnut/Willow, and American Avenue. This project has been obligated and environmental work may be complete as early as FY 2020-21.

The City of Fresno and Caltrans have requested we defer the Chestnut/Willow interchange to a future date and proceed with North/Cedar and American Avenue interchanges as one project. The Measure C Expenditure Plan will reserve funding to begin design and ROW in FY 2020-21 using Measure C regional sales tax funding. STIP funds will be requested to complete the ROW in FY 2021-22. Construction is planned in FY 2023-24. The total project cost is expected to be \$148,500,000. Fresno COG is requesting a total of \$42,346,000 in additional STIP county shares.

Planning, Programming, & Monitoring: Fresno COG is requesting an additional \$399,000 a year for the final two years (FY 2023-24 – FY2024-25) in the STIP for a total of \$798,000. This is below the 5 percent PPM limitation allowed by the CTC. Over the five year STIP period a total of \$1,995,000 is programmed for administrating the Federal Aid and STIP process.

Action: Staff recommends TTC/PAC adopt Resolution 2019-34 to submit Fresno COG's 2020 RTIP to the California Transportation Commission.

C. **Regional Transportation Mitigation Fee Nexus Update (Les Beshears) [APPROVE]**

Exhibits:

RTMF Resolution 2019-01

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

Both FCTA and the Mitigation Fee Agency must adopt the update by January 1, 2020, 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 draft report was circulated through Fresno COG's Policy Advisory Committee (PAC) and the Board in October 2019. During the PAC meeting, the City of Reedley objected to the proposed increase on the basis it placed an unnecessary burden on development in Reedley.

Consistent with the requirements of Section 66019 of the California Government Code, staff provided notice of this proposed action to interested parties by regular mail on November 1, 2019, and to the public by published notice in the Fresno Bee. Furthermore, the nexus study was available for public review at Fresno COG's office at 2035 Tulare Street, Suite 201, Fresno CA 93721 at least 15 days prior to the hearing.

The first recommendation was to extend the planning horizon for the fee program to 2035 to be consistent with Fresno COG's normal planning horizon, as well as the legal and financial environment under which the mitigation fees exist. By expanding the planning horizon, 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 the South Industrial Priority Area instead of land use assumptions in Fresno COG's Sustainable Communities Strategy. 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 levied in the San Joaquin Valley.

Action: Adopt RTMF Resolution 2019-01 updating the Regional Transportation Mitigation Fee Nexus.

III. **ADMINISTRATIVE CONSENT ITEMS**

About 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/>

IV. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Cyber Security Contract with AMS.net (Robert Phipps) [APPROVE]

Summary: In response to the data breach that occurred with our Fresno COG server on September 2019, Fresno COG staff have been working closely with the City of Fresno Cyber Security team to identify the best strategies/practices to secure Fresno COG's IT system moving forward. While financial, modeling and GIS files were largely unaffected by the data breach, it nevertheless resulted in a catastrophic loss of data to the agency. A multitude of plans, reports, studies, memos, correspondence, and particularly public outreach-related files, were encrypted in the attack beyond staff's ability to retrieve it.

Under our existing system, the City of Fresno supplies the fiber optic cable infrastructure and service for Fresno COG's primary internet connection, which also feeds its telephone lines. Because of the network's continued vulnerability, the City has disconnected Fresno COG and will not reconnect the office until considerably more stringent, multi-level security measures are firmly in place. With this in mind, at the request of City of Fresno IT officials, Fresno COG has been meeting with AMS.net, a cyber-security and technology solution specialty firm, to establish a multi-layered program that will include at least two firewalls, an industry-leading enterprise network security system and anti-virus/malware software program from Cisco, as well as new servers and potentially other hardware and software purchases.

The installation process is expected to be similar to that of a completely new IT system, complete with subscriptions to cloud-based Office 365 for staff. The total cost of the turn-key operation is expected to range somewhere between \$131,000 and \$150,000.

By the November 21 Board meeting, staff expects to request formal contract approval with AMS.net for all work associated with the reinstallation. Due to ongoing security concerns and the critical need to secure the IT system as soon as possible, Fresno COG staff will be requesting that the Policy Board waive its standard policy for soliciting proposals and make a finding that it is in the best interest of the Fresno COG to approve the sole source contract with AMS.net.

Action: Staff requests that the PAC recommend the Fresno COG Policy Board approve a sole-source contract with AMS.net for an amount to be determined by the November 21, 2019 Board meeting.

V. OTHER ITEMS

A. Items from Staff

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.**