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June 28, 2021

**ELECTRONIC CORRESPONDENCE ONLY**

Mayor David Cardenas  
Board Chairman  
2035 Tulare Street Suite 201  
Fresno, CA 93721

SUBJECT: Fresno Council of Governments Federal Certification Review

Dear Chairman Cardenas:

This letter notifies you that the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly certify the planning process for the Fresno Council of Governments (Fresno COG), California Transportation Management Area (TMA). This certification is based on the findings from the Federal Certification Review conducted from February 2021 through June of 2021.

The findings include, commendations, recommendations, and corrective actions. The overall conclusion of the Certification Review is that the planning process for the Fresno COG, California TMA complies with the spirit and intent of Federal metropolitan transportation planning laws and regulations under 23 USC 134 and 49 USC 5303. The planning process at Fresno COG is a continuing, cooperative, and comprehensive process and reflects a significant professional commitment to deliver quality in transportation planning.

We would like to thank Fresno COG's Executive Director, Mr. Tony Boren and his staff for their time and assistance in planning and conducting the review. Enclosed is a report that documents the results of this review which include four commendations, four recommendations, and two corrective actions for continuing quality improvements and enhancements to the planning process. This report has been transmitted concurrently to the Metropolitan Planning Organization, Caltrans, and the regional public transportation operators.

If you have any questions regarding the Certification Review process, the Certification action, and/or the enclosed report, please direct them to either Ms. Jasmine Amanin, Community Planner of the FHWA California Division, at (916) 498-5044, or by email at [jasmine.amanin@dot.gov](mailto:jasmine.amanin@dot.gov), or Mr. Ted Matley, Director of Planning and Program Development of the FTA Region IX, at (415)-734-9468, or by email at [ted.matley@dot.gov](mailto:ted.matley@dot.gov).

Sincerely yours,

Sincerely yours,



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U.S. Department  
of Transportation

# Transportation Management Area Planning Certification Review

Federal Highway  
Administration

Federal Transit  
Administration

## Fresno Council of Governments Transportation Management Area



### Virtual Certification Review

Fresno Council of Governments  
Quadrennial Transportation Management Area Certification Review  
April 20<sup>th</sup> -22<sup>nd</sup>, 2021

**June 28, 2021**

**Summary Report**



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## 1.0 EXECUTIVE SUMMARY

Beginning in February 2021 through June 2021, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) conducted the certification review of the transportation planning process for the Fresno urbanized area. FHWA and FTA are required to jointly review and evaluate the transportation planning process for each urbanized area over 200,000 in population at least every four years to determine if the process meets the Federal planning requirements. The site visit was hosted virtually using the Microsoft Teams platform.

### 1.1 Previous Findings and Disposition

The previous certification review for the Fresno urbanized area was conducted in 2017. The previous Certification Review findings and their disposition are provided in Appendix B and summarized as follows.

Review Area	Finding	Action	Corrective Actions/ Recommendations	Disposition
Organizational Structure (23 CFR 450.310)	Meets Requirement			
Unified Planning Work Program 23 CFR 450.308	Meets Requirement			
Metropolitan Transportation Plan 23 U.S.C. 134(c),(h)&(i) 23 CFR 450.324	Meets Requirement			
Financial Planning and Fiscal Constraint (23 CFR 450.324)	Meets Requirement			
Public Participation 23 U.S.C. 134(i)(6) 23 CFR 450.316 & 450.326(b)	Meets Requirement			
Performance Based Planning and Programming (23 CFR 450.306)	Meets Requirement	Recommendation	The Review Team strongly encourages Fresno COG to remain engaged in the process as PM moves forward and to not “wait” in developing its approach to PM	Fresno COG continues to develop their Transportation Performance Measures in accordance with the State and subsequent MPO deadlines.

Consultation and Coordination 23 U.S.C. 134(g) & (i) 23 CFR 450.316, 23 CFR 450.324(g)	Meets Requirement	Recommendation	FHWA will work with Fresno COG to obtain examples of good practice and get the Fresno COG process written and adopted before the next Certification Review.	Fresno COG should continue to improve the documentation of their consultation and coordination process
Nonmotorized Planning/Livability 23 U.S.C. 134(h) 23 U.S.C. 217(g) 23 CFR 450.306 23 CFR 450.3224f)(2)	Meets Requirement	Recommendation	Fresno COG has done an excellent job in engaging its planning partners in developing a strong non-motorized element to its planning process. Fresno COG is encouraged to continue enhancing and expanding this planning effort.	Fresno COG meets the requirements for Nonmotorized Planning/Livability
Air Quality Clean Air Act 42 U.S.C. 7401 40 CFR Part 93 23 CFR 450.324(m)	Meets Requirement			
Congestion Management Process / Management and Operations 23 U.S.C. 134(k)(3) 23 CFR 450.322	Meets Requirement	Commendation	Fresno COG's web based congestion analysis tool will be submitted to FHWA News as an example of best practice to share on a national basis	Fresno COG meets the requirement for Congestion Management Process

## 1.2 Summary of Current Findings

The current review found that the metropolitan transportation planning process conducted in the Fresno urbanized area MEETS WITH CORRECTIVE ACTIONS the Federal planning requirements.

As a result of this review, FHWA and FTA are certifying the transportation planning process conducted by the California Department of Transportation (Caltrans), Fresno Council of Governments Metropolitan Planning Organization (MPO) and the City of Fresno/Fresno Area Express(FAX) and the Fresno County Rural Transit Agency subject to addressing corrective actions. There are also recommendations in this report that warrant close attention and follow-up, as well as areas that MPO is performing very well in that are to be commended.



<b>Review Area</b>	<b>Finding</b>	<b>Action</b>	<b>Corrective Actions/ Recommendations/ Commendations</b>	<b>Resolution Due Date</b>
Metropolitan Planning Area Boundaries 23 U.S.C. 134(e) 23 CFR 450.312(a)	Meets Requirement			
MPO Structure and Agreements 23 U.S.C. 134(d) 23 CFR 450.314(a)	Meets Requirement			
Unified Planning Work Program 23 CFR 450.308	Meets Requirement	Recommendation	Fresno COG should clearly document completion dates for the tasks associated with each work element	
Metropolitan Transportation Plan 23 U.S.C. 134(c),(h)&(i) 23 CFR 450.324	Does Not Meet	Corrective Action	Fresno COG needs to ensure that all subsequent Regional Transportation Plans demonstrate fiscal constraint and accurately account for the total revenue anticipated for the metropolitan area.	June 2022
Transit Planning 49 U.S.C. 5303 23 U.S.C. 134 23 CFR 450.314	Meets Requirement			
Transportation Improvement Program 23 U.S.C. 134(c)(h)& (j) 23 CFR 450.326	Meets with Corrective Action	Corrective Action	Fresno COG must review their internal procedures, in coordination with Caltrans, and remove sub-allocation of CMAQ and STBG from their project programming and selection procedures.	October 2022
Public Participation 23 U.S.C. 134(i)(6) 23 CFR 450.316 & 450.326(b)	Meets Requirement	Commendation	Fresno COG is commended for their innovative public involvement strategies particularly the mini-grant and the EJ subcommittee	
Civil Rights Title VI Civil Rights Act, 23 U.S.C. 324, Age Discrimination Act, Sec. 504 Rehabilitation Act, Americans with Disabilities Act	Meets Requirement	Commendation	Fresno COG's establishment of an Environmental Justice Subcommittee and their prioritization of diverse representation on their subcommittee is noteworthy.	
Consultation and Coordination 23 U.S.C. 134(g) & (i) 23 CFR 450.316, 23 CFR 450.324(g)	Meets Requirement	Recommendation	Fresno COG should improve coordination with federal land management agencies and further document the tribal consultation process.	

List of Obligated Projects 23 U.S.C. 134(j)(7) 23 CFR 450.334	Meets Requirement			
Freight 23 U.S.C. 134(h) 23 CFR 450.306	Meets Requirement			
Environmental Mitigation/Planning Environmental Linkage 23 U.S.C. 134(i)(2)(D) 23 CFR 450.324(f)(10) 23 U.S.C. 168 Appx. A 23 CFR Part 450	Meets Requirement			
Transportation Safety 23 U.S.C. 134(h)(1)(B) 23 CFR 450.306(a)(2) 23 CFR 450.306(d) 23 CFR 450.324(h)	Meets Requirements			
Transportation Security Planning 23 U.S.C. 134(h)(1)(C) 23 CFR 450.306(a)(3) 23 CFR 450.306(d) 23 CFR 450.324(h)	Meets Requirement			
Nonmotorized Planning/Livability 23 U.S.C. 134(h) 23 U.S.C. 217(g) 23 CFR 450.306 23 CFR 450.3224f)(2)	Meets Requirement			
Integration of Land Use and Transportation 23 U.S.C. 134(g)(3) 23 U.S.C. 134 (h)(1)(E) 23 CFR 450.306(a)(5)	Meets Requirement			
Travel Demand Forecasting 23 CFR 450.324(f)(1)	Meets Requirement			
Air Quality Clean Air Act 42 U.S.C. 7401 40 CFR Part 93 23 CFR 450.324(m)	Meets Requirement			
Congestion Management Process / Management and Operations 23 U.S.C. 134(k)(3) 23 CFR 450.322	Meets Requirement			

Details of the certification findings for each of the above items are contained in this report.

## 2.0 INTRODUCTION

### 2.1 Background

Pursuant to 23 U.S.C. 134(k) and 49 U.S.C. 5303(k), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) must jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMAs) at least every four years. A TMA is an urbanized area, as defined by the U.S. Census Bureau, with a population of over 200,000. After the 2010 Census, the Secretary of Transportation designated 183 TMAs – 179 urbanized areas over 200,000 in population plus four urbanized areas that received special designation. In general, the reviews consist of three primary activities: a site visit, a review of planning products (in advance of and during the site visit), and preparation of a Certification Review Report that summarizes the review and offers findings. The reviews focus on compliance with Federal regulations, challenges, successes, and experiences of the cooperative relationship between the MPO(s), the State DOT(s), and public transportation operator(s) in the conduct of the metropolitan transportation planning process. Joint FTA/FHWA Certification Review guidelines provide agency field reviewers with latitude and flexibility to tailor the review to reflect regional issues and needs. As a consequence, the scope and depth of the Certification Review reports will vary significantly.

The Certification Review process is only one of several methods used to assess the quality of a regional metropolitan transportation planning process, compliance with applicable statutes and regulations, and the level and type of technical assistance needed to enhance the effectiveness of the planning process. Other activities provide opportunities for this type of review and comment, including Overall Work Program (OWP) approval, the Regional Transportation Plan (RTP), metropolitan and statewide Transportation Improvement Program (TIP) findings, air-quality (AQ) conformity determinations (in nonattainment and maintenance areas), as well as a range of other formal and less formal contact provide both FHWA/FTA an opportunity to comment on the planning process. The results of these other processes are considered in the Certification Review process.

While the Certification Review report itself may not fully document those many intermediate and ongoing checkpoints, the “findings” of Certification Review are, in fact, based upon the cumulative findings of the entire review effort.

The review process is individually tailored to focus on topics of significance in each metropolitan planning area. Federal reviewers prepare Certification Reports to document the results of the review process. The reports and final actions are the joint responsibility of the appropriate FHWA and FTA field offices, and their content will vary to reflect the planning process reviewed, whether or not they relate explicitly to formal “findings” of the review.

To encourage public understanding and input, FHWA/FTA will continue to improve the clarity of the Certification Review reports.

## **2.2 Purpose and Objective**

Since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the FHWA and FTA, are required to jointly review and evaluate the transportation planning process in all urbanized areas over 200,000 population to determine if the process meets the Federal planning requirements in 23 U.S.C. 134, 40 U.S.C. 5303, and 23 CFR 450. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), extended the minimum allowable frequency of certification reviews to at least every four years.

The Fresno Council of Governments is the designated MPO for the Fresno urbanized area. Caltrans is the responsible State agency and the City of Fresno/Fresno Area Express (FAX) and the Fresno County Rural Transit Agency are the responsible public transportation operator. Current membership of the Fresno Council of Governments MPO consists of elected officials and citizens from the political jurisdictions in the Cities of Clovis, Mendota, Coalinga, Orange Cove, Firebaugh, Parlier, Fowler, Reedley, Fresno, San Joaquin, Huron, Sanger, Kerman, Selma, Kingsburg, and the County of Fresno. With the City of Fresno as the largest population center.

Certification of the planning process is a prerequisite to the approval of Federal funding for transportation projects in such areas. The certification review is also an opportunity to provide assistance on new programs and to enhance the ability of the metropolitan transportation planning process to provide decision makers with the knowledge they need to make well-informed capital and operating investment decisions.

## **3.0 SCOPE AND METHODOLOGY**

### **3.1 Review Process**

A summary of the status of findings from the last review, conducted in 2017, is provided in Appendix B. This report details the most recent review. Due to the Stay at Home Order effective on March 19, 2020 for the state of California, the review was hosted virtually. It consisted of a formal virtual site visit, virtual transit listening session, and a virtual public involvement opportunity, conducted in April, 2021.

Participants in the review included representatives of FHWA, FTA, Caltrans, the City of Fresno/Fresno Area Express (FAX), the Fresno County Rural Transit Agency, and Fresno Council of Governments MPO staff. A full list of participants is included in Appendix A.

A desk audit of current documents and correspondence was completed prior to the site visit. In addition to the formal review, routine oversight mechanisms provide a major source of information upon which to base the certification findings.

The certification review covers the transportation planning process conducted cooperatively by the MPO, State, and public transportation operators. Background information, current status,

key findings, and recommendations are summarized in the body of the report for the following subject areas selected by FHWA and FTA staff for on-site review:

- Metropolitan Transportation Plan (MTP)
- Transit Planning
- Transportation Improvement Program (TIP)
- Public Participation
- Civil Rights (Title VI, EJ, LEP, ADA)
- Consultation and Coordination
- Travel Demand Forecasting
- Congestion Management Process / Management and Operations

### **3.2 Documents Reviewed**

The following MPO documents were evaluated as part of this planning process review:

- Fresno Council of Governments Metropolitan Planning Organization Boundary
- Clovis and the Fresno Council of Governments for Overall Work Planning Services, 2017
- Fresno County Rural Transit Agency (FCRTA) and Fresno COG Interagency Service Agreement, 2007
- City of Fresno and Fresno Council of Governments for Overall Work Program Planning Services, 2017
- Comprehensive Federal and State Transportation Planning and Programming MOU, 2017
- Addendum to the Comprehensive Federal and State Transportation Planning and Programming MOU, 2018
- San Joaquin Valley Unified Air Pollution Control District and Regional Planning Agencies in the San Joaquin Valley, 2009
- Draft Fresno COG 2021- 2022 Overall Work Program
- Final Fresno COG 2020-2021 Overall Work Program
- 2018 -2042 Final Regional Transportation Plan
- 2021 Final Fresno COG Federal Transportation Improvement Program
- 2020 Final Fresno COG Federal Transportation Improvement Program
- 2020 Fresno COG Public Participation Plan
- Fresno COG Title VI Program with Limited English Proficiency (LEP) Plan, 2019
- Fresno COG 2020 Public Participation Plan: Appendix B: Tribal Consultation Plan
- Annual Listing of Projects with Federal Funding for Federal Fiscal Year 2020
- Fresno COG Transportation Performance Management

- Fresno County Regional Active Transportation Plan, 2017
- San Joaquin Valley Interregional Goods Movement Plan, 2013
- Fresno Activity Based Model Update, 2018
- Fresno Council of Governments Congestion Management Process Update, 2017
- 2018 Fresno COG Regional Transportation Plan Public Outreach Strategy
- Final Program Environmental Report, 2018

## 4.0 PROGRAM REVIEW

### 4.1 Overview

As a part of the risk based approach, the federal review team identified topic areas that were compliant with federal regulations and had no new findings between the 2017 review and the current 2021 certification review. Details pertaining to these sections can be found in Appendix E.

Review Areas	Regulatory Basis
Metropolitan Planning Area Boundaries	23 U.S.C. 134(e) and 23 CFR 450.312(a)
MPO Structure and Agreements	23 U.S.C. 134(d);23 CFR 450.314(a)
Freight Planning	23 U.S.C. 134; 23 CFR 450.306
List of Obligated Projects	23 U.S.C. 134(j)(7); 23 CFR 450.334
Environmental Mitigation/Planning Environmental Linkage	23 U.S.C. 134(i)(2)(D)23 CFR 450.324(f)(10)
Transportation Safety	23 U.S.C. 134(h)(1)(B); 23 CFR 450.306(a)(2)
Transportation Security Planning	23 U.S.C. 134(h)(1)(C); 23 CFR 450.306(a)(3)
Non-Motorized Planning and Livability	23 U.S.C. 217(g); 23 CFR 450.306
Integration of Land Use and Transportation	23 U.S.C. 134(g)(3); 23 U.S.C. 134 (h)(1)(E) and 23 CFR 450.306(a)(5)

### 4.2 Unified Planning Work Program/ Overall Planning Work Program

#### 4.2.1 Regulatory Basis

23 CFR 450.308 sets the requirement that planning activities performed under Titles 23 and 49 U.S.C. be documented in a Unified Planning Work Program (UPWP). The MPO, in cooperation with the State and public transportation operator, shall develop a UPWP that includes a

discussion of the planning priorities facing the MPA and the work proposed for the next one- or two-year period by major activity and task in sufficient detail to indicate the agency that will perform the work, the schedule for completing the work, the resulting products, the proposed funding, and sources of funds.

#### **4.2.2 Current Status**

In California, the federally recognized UPWP is referred to as the Overall Work Program (OWP). At the time of this review, the FY2021-2022 OWP was still in draft form. Therefore, the Federal Team focused on the approved FY2020-2021 OWP.

The FY2020 -FY2021 OWP was approved in May 2020 with a total proposed federal funds budget of just over \$4.7 million, including carryover funding. The work program details the MPO's major projects and initiatives that are expected in the upcoming fiscal year.

#### **4.2.3 Findings**

The Fresno COG FY 2020-FY2021 OWP includes major work elements and tasks associated with each work element. The OWP includes a table showing the proposed budget for each work element. It also utilizes a graphic to describe who will perform the work task and the scheduled months each task will occur. While the table does indicate the tasks anticipated in the coming months, it does not show the anticipated completion date for those tasks. According to 23 CFR 450.308, it is expected that sufficient detail be provided to determine the agency that will perform the work, the schedule for completing the work, the resulting products, the proposed funding, and sources of funds. More information is needed to define the schedule for completing the work for the FY 2020 – FY 2021 OWP. These comments were also provided for the draft FY2021 -2022 Overall Work Program and it is anticipated that they will be incorporated into the final approved document. Therefore, the following recommendation is proposed:

**Recommendations:** The Federal Team recommends that Fresno COG work, in partnership with Caltrans, to improve the OWP by clearly indicating the anticipated completion dates for each work element.

### **4.3 Metropolitan Transportation Plan/ Regional Transportation Plan**

#### **4.3.1 Regulatory Basis**

23 U.S.C. 134(c), (h) & (i) and 23 CFR 450.324 set forth requirements for the development and content of the Metropolitan Transportation Plan (MTP). Among the requirements are that the MTP address at least a 20 year planning horizon and that it includes both long and short range strategies that lead to the development of an integrated and multi-modal system to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand.

The MTP is required to provide a continuing, cooperative, and comprehensive multimodal transportation planning process. The plan needs to consider all applicable issues related to the transportation systems development, land use, employment, economic development, natural environment, and housing and community development.

23 CFR 450.324(c) requires the MPO to review and update the MTP at least every four years in air quality nonattainment and maintenance areas and at least every 5 years in attainment areas to reflect current and forecasted transportation, population, land use, employment, congestion, and economic conditions and trends.

Under 23 CFR 450.324(f), the MTP is required, at a minimum, to consider the following:

- Projected transportation demand
- Existing and proposed transportation facilities
- Operational and management strategies
- Congestion management process
- Capital investment and strategies to preserve transportation infrastructure and provide for multimodal capacity
- Design concept and design scope descriptions of proposed transportation facilities
- Potential environmental mitigation activities
- Pedestrian walkway and bicycle transportation facilities
- Transportation and transit enhancements
- A financial plan

#### **4.3.2 Current Status**

Fresno COG is currently in the process of updating their Regional Transportation Plan (RTP) with an anticipated approval date in 2022. This review will focus on the previously approved RTP which was adopted in 2018 with a horizon year of 2042. In California, the federally recognized Metropolitan Transportation Plan (MTP) is referred to as the Regional Transportation Plan (RTP).

Fresno COG's RTP webpage includes a three-minute informational video describing the contents of the RTP, which includes eight chapters and a detailed Appendix. In Chapter 2 of the Plan, Fresno COG defines the mission of the plan and the 2042 vision for region. This vision is supported by an extensive list of goals, policies, and objectives. The 26 goals identified in the plan are grouped into six broad transportation mode based categories and supported by more than 100 policies.

In Chapter 3 of the Plan, Fresno COG identifies the Sustainable Communities Strategies in accordance with California Sustainable Communities and Climate Protection Act. This chapter also discusses the series of scenario planning efforts that Fresno COG established. It identifies the preferred Scenario "D" and the population forecast for that scenario. In keeping with the scenario planning effort, Fresno COG also developed four project scenarios defined in Chapter 5



of the Plan. The project scenarios utilized their 2018 Project Evaluation Criteria and the priority areas for each scenario detailed in Appendix C. Appendix C also shows the details of the revenue projections and the projects included in the constrained project list.

The RTP Public Participation process is detailed in Chapter 6 of the plan. Fresno COG utilized several public participation strategies including the Mini-Grant Outreach Program and community workshops. The review of Fresno COG's public participation plan is detailed in section 4.5 of this report. Additionally, Chapter 7 of the plan discusses the Environmental Justice which is reviewed in section 4.7.

### **4.3.3 Findings**

The Fresno COG Regional Transportation Plan effectively utilizes data visualization and public engagement techniques. The dedicated webpage for the plan includes a three-minute video with a high-level description of the RTP and the purpose of the long range plan. Additionally, the mini-grant outreach program is an innovative method of targeted outreach that will be discussed further in section 4.5.

The goal of a regional transportation plan is to develop both long- and short-range strategies that lead to the development of an integrated and multi-modal system. Fresno COG effectively details the goals and policies of the plan in Chapter 2, the growth scenarios in Chapter 3, and project selection criteria in Appendix C. However, it is unclear how these policies, multiple growth and project scenarios, relate to the project selection criteria, performance management, or the CMP.

Additionally, the Plan details over 100 policies, some of which may be more aspirational. With so many goals and policies it may be quite difficult for Fresno COG to track their progress towards meeting their goals or show how it relates to transportation performance management. Similarly, Fresno COG has an extensive scenario planning process that utilizes quite a few indicators. It may be worth the additional effort, beyond the basic federal requirement, to use the indicators as signposts and have a data plan to monitor the progress and assess impact of associated policy levers.

Lastly, Appendix C of the RTP includes the revenue projections and the constrained project list. The document shows the total revenue projections for the duration of the 20-year plan. Traditionally, fiscal constraint is demonstrated by time-bands that span the duration of the plan. The revenue projection is calculated for each time-band. Then projects are assigned to those bands to ensure that there is enough funding over the course of the plan to fund each project in the constrained list. Based on the revenue projections provided in Appendix C, it is not clear how the total revenue projections are applied over the life of the plan to demonstrate fiscal constraint. It also appears that the plan does not include the revenue or projections for those fund sources not directly administered by the MPO but within the MPO jurisdiction.

### **Commendation:**

- Fresno COG is commended for the data visualization and public outreach efforts conducted in support of the Regional Transportation Plan. The 3-minute informational video gives an overview of the MPO's long range planning efforts, vision for the future of the region, and is a great resource for dissemination of important information.

**Corrective Action:** Fresno COG needs to ensure that all subsequent Regional Transportation Plans demonstrate fiscal constraint and accurately account for the total revenue anticipated for the metropolitan area.

**Recommendations:** Fresno COG should clearly articulate how their scenario planning, project selection, and congestion management process relate to the goals, policies, and performance management requirements identified in the plan.

**Schedule for Process Improvement:** Fresno COG will need to illustrate fiscal constraint in their next Regional Transportation Plan update expected in 2022

**Proposed FHWA/FTA Technical Assistance:** FHWA/FTA will support Fresno COG and Caltrans in the review of the documented fiscally constrained plan.

## **4.4 Transit Planning**

### **4.4.1 Regulatory Basis**

49 U.S.C. 5303 and 23 U.S.C. 134 require the transportation planning process in metropolitan areas to consider all modes of travel in the development of their plans and programs. Federal regulations cited in 23 CFR 450.314 state that the MPO in cooperation with the State and operators of publicly owned transit services shall be responsible for carrying out the transportation planning process.

### **4.4.2 Current Status**

49 U.S.C. 5303 and 23 U.S.C. 134 require the transportation planning process be multimodal in its development, that transit needs be fully considered, and that public transit operators be engaged in the cooperative planning process. Fresno COG meets all these requirements. The transit needs of the community are fully considered through the planning processes and the process is evident in being multi-modal in focus and technical analysis. The participation of the area public transit operators is demonstrated by the documentation and the experience of the public transit operators in the region. Further, as generally recommended by FTA, Fresno COG has in place an MOU with the local public transit operators that defines roles and responsibilities in the transportation planning and programming process.

Fresno COG has worked effectively with the City of Fresno and its transit division, as represented by Fresno Area Express (FAX), to develop performance measures for transit safety and asset management, as required by FTA rule. While the development of transit safety and transit access management plans are the responsibility of the transit operator, they are expected to coordinate with the MPO and ensure that the performance measures are recognized by the MPO and considered fully in the development of the Metropolitan Transportation Plan and the Transportation Improvement Program.

#### **4.4.3 Findings**

Transit planning activities, as part of the overall multi-modal transportation planning process, meet the requirements of 49 U.S.C. 5303 and 23 U.S.C. 134.

### **4.5 Transportation Improvement Program**

#### **4.5.1 Regulatory Basis**

23 U.S.C. 134(c),(h) & (j) set forth requirements for the MPO to cooperatively develop a Transportation Improvement Program (TIP). Under 23 CFR 450.326, the TIP must meet the following requirements:

- Must cover at least a four-year horizon and be updated at least every four years.
- Surface transportation projects funded under Title 23 U.S.C. or Title 49 U.S.C., except as noted in the regulations, are required to be included in the TIP.
- List project description, cost, funding source, and identification of the agency responsible for carrying out each project.
- Projects need to be consistent with the adopted MTP.
- Must be fiscally constrained.
- The MPO must provide all interested parties with a reasonable opportunity to comment on the proposed TIP.

#### **4.5.2 Current Status**

Following the April 20-22<sup>nd</sup> on-site review, Fresno COG's 2021 Transportation Improvement Program, commonly referred to as the Federal Transportation Improvement Program (FTIP), was adopted with the approval of the 2021 California Federal Statewide Transportation Improvement Program (FSTIP). Currently, California has a two-year update cycle for the State Transportation Improvement Program (STIP). As a result, the FTIP is also updated every two years.

As a part of the project selection process, Fresno COG is currently in the process of developing a new process called Targeted Performance Program. At the time of this review that process was

not finalized. Therefore, this review will focus on the established lifeline and regional bid process as detailed in the 2021 FTIP.

### **4.5.3 Findings**

The Fresno COG 2021 FTIP includes the individual project listing by agency. It is noted that many of the funding sources include the word "lifeline" in funding name. Particularly in the cases of both Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP). Lifeline is defined in *Appendix C: FTIP Amendment Procedures* as, "Lifeline targets are authorized in advance at the beginning of the federal-aid highway act appropriation cycle, and are calculated based on the members' population share and highway maintained mileage to assure a fair-share guidance for assembling a program of projects for inclusion into the FTIP." According to Fresno COG, the total funding for the Surface Transportation Block Grant (STBG), of which RSTP funds are included, is split 60/40 between the "lifeline" program and regional bid program. Similarly, for CMAQ the split is 70/30. Regional bid is described in the 2021 FTIP as "Regional Bid pot targets are determined by estimating the residual remaining in the federal-aid appropriation after the Lifeline amounts are calculated. Regional Bid projects are selected in cycles by a "Call for Projects" process."

The lifeline process as outlined in the Fresno COG 2021 FTIP is a sub-allocation of both the STBG and CMAQ programs. It is noted that any procedures or agreements that distribute sub-allocated STBG or CMAQ funds to individual jurisdictions or modes within the Metropolitan Planning Area by pre-determined percentages or formulas are inconsistent with the legislative provisions that require the MPO, in cooperation with the State and the public transportation operator, to develop a prioritized and financially constrained TIP. A similar corrective action was issued for the Caltrans Federal Statewide Transportation Improvement Program in accordance with 23 CFR 450.324(j).

**Corrective Action:** Fresno COG must review their internal procedures, in coordination with Caltrans, and remove sub-allocation of CMAQ and STBG from their project programming and selection procedures.

**Schedule for Process Improvement:** Fresno COG must remove the sub-allocation of CMAQ and STBG from their project programming and selection procedures by the adoption of the 2023 FTIP anticipated approval date in October 2022.

**Proposed FHWA/FTA Technical Assistance:** FHWA/FTA will support Fresno COG and Caltrans to review the documented process. More information regarding the CMAQ and STBG programs are located at the following web addresses:

[https://www.fhwa.dot.gov/cfo/suballocation\\_ga.cfm](https://www.fhwa.dot.gov/cfo/suballocation_ga.cfm)

[https://www.fhwa.dot.gov/environment/air\\_quality/cmaq/policy\\_and\\_guidance/2013\\_guidance/](https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/)

## **4.6 Public Participation**

### **4.6.1 Regulatory Basis**

Sections 134(i)(5), 134(j)(1)(B) of Title 23 and Section 5303(i)(5) and 5303(j)(1)(B) of Title 49, require a Metropolitan Planning Organization (MPO) to provide adequate opportunity for the public to participate in and comment on the products and planning processes of the MPO. The requirements for public involvement are detailed in 23 CFR 450.316(a) and (b), which require the MPO to develop and use a documented participation plan that includes explicit procedures and strategies to include the public and other interested parties in the transportation planning process.

Specific requirements include giving adequate and timely notice of opportunities to participate in or comment on transportation issues and processes, employing visualization techniques to describe metropolitan transportation plans and TIPs, making public information readily available in electronically accessible formats and means such as the world wide web, holding public meetings at convenient and accessible locations and times, demonstrating explicit consideration and response to public input, and a periodically reviewing of the effectiveness of the participation plan.

### **4.6.2 Current Status**

The current Public Participation Plan (PPP) was adopted by the MPO Board on June 25, 2020 after a 45-day public comment period. The document provides a comprehensive overview of regulatory requirements for public participation and involvement for all Federally required transportation planning processes and documents. The PPP also documents the Public Participation Policies supporting public involvement, consultation and coordination activities.

The PPP specifies the processes used to engage agencies in consultation and coordination, including Native American Tribal Governments, during the development of specific planning processes including the Regional Transportation Plan and Federal Transportation Improvement Program. A section of the document titled *“Opportunities for Project Public Engagement”*, describes a variety of ways members of the public and other interested parties can access the transportation planning processes and get involved in PPP activities. It also describes the various Boards, Commissions, and Committees associated with the PPP as well as the COG.

The *“Public Participation Strategies”* section of the PPP describes the methods of engagement, activities, techniques used by the MPO throughout transportation planning processes as well as describes notification processes, information dissemination resources and organizations through which information is shared and exchanged; this is specifically noted for low income communities and communities of color or limited-English populations. Also, in this section, tools are described for receiving and submitting comments during the public comment periods and how comments will be addressed and disseminated once the planning process is complete.

The Fresno COG recognizes that the PPP is not a static document and commits to periodically reviewing the document based on experiences and changing circumstances to meet the needs of the community they serve. The document also includes two appendices; Appendix A summarizes the RTP public outreach strategy; and Appendix B summarizes the COG's Tribal Consultation Plan.

One noteworthy practice noted during the on-site visit is the use of mini-grants to support public outreach for low income and minority communities. The COG dedicates PL funds to support targeted outreach within these communities led by the community leaders to gain insights that might not otherwise be understood or known. The communities apply for grant funding as a means of collaborating with their community members and engaging individuals in activities that they might not otherwise feel comfortable participating in.

Overall, Fresno COG has developed a robust PPP and public engagement processes that provide a variety of opportunities for individuals and organizations to give input into the transportation planning processes. The PPP is a well-written document that is easy to follow and read, giving adequate information in a format and style that supports public understanding of the COG's interest in engaging them in their transportation planning processes.

#### **4.6.3 Findings**

The public participation plan and most of the documents reviewed as a part of this Certification, are engaging, succinct, and well written. Additionally, the targeted outreach that the MPO institutes with the mini-grant program is an innovative way to increase public involvement in the MPO planning process. While the PPP is robust in the summary of the public participation strategies, the effectiveness of those strategies and who will be engaged in delivering the strategies is unclear. The Plan states that as part of every public outreach and involvement program developed for the RTP, Fresno COG will set desired outcomes for the efficacy of the participation program and report on the results. However, the results on the effectiveness of the strategies are not included in the public participation plan. It is instead noted in Appendix A of the 2018 RTP. Lastly, it is known that the Plan is updated every 4 years in conjunction with the RTP; however, the document only states that the PPP is reviewed and updated periodically.

#### **Commendation:**

- The use of PL funded mini-grants to support low-income and minority outreach within those communities is an exemplary way of engaging the community and building trust among individuals who may not otherwise engage in the transportation planning process.
- Fresno COG has done an excellent job in the development of their public facing documents. The documents are well written, succinct, and easy for the public to understand.

**Recommendations:** While the document does a good job of summarizing various mechanisms anticipated for outreach and notifications, it does not specify who will be engaged for the mechanism. For example, it is noted that the COG uses the radio to notify the public of upcoming engagement opportunities but falls short of identifying which radio station is used to disseminate that information. The public may be unclear on how to access information through that mechanism. The COG is encouraged to provide an appendix that lists, where appropriate, the specific newspapers, radio stations, special interests and community groups that are regularly engaged in the PPP process. Additionally, Fresno COG should include the evaluation of the effectiveness of the PPP strategies in the Plan itself and clearly indicate that the Public Participation Plan is updated every 4 years.

## **4.7 Civil Rights (Title VI, EJ, LEP, ADA)**

### **4.7.1 Regulatory Basis**

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 U.S.C. 2000d states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In addition to Title VI, there are other Nondiscrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (ADA) of 1990. ADA specifies that programs and activities funded with Federal dollars are prohibited from discrimination based on disability.

Executive Order #12898 (Environmental Justice) directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. In compliance with this Executive Order, USDOT and FHWA issued orders to establish policies and procedures for addressing environmental justice in minority and low-income populations. The planning regulations, at 23 CFR 450.316(a)(1)(vii), require that the needs of those “traditionally underserved” by existing transportation systems, such as low-income and/or minority households, be sought out and considered.

Executive Order # 13166 (Limited-English-Proficiency) requires agencies to ensure that limited English proficiency persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency.

### **4.7.2 Current Status**

Fresno COG’s Title VI Plan is available on their website. The Plan was approved in October 2019 and discusses the Title VI program as well as how to file a Title VI complaint. To date there have been no Title VI investigations, complaints or lawsuits filed against Fresno COG. Additionally,

2019 Plan references the Limited English Proficiency (LEP) plan included Appendix 1 of their 2016 Title VI plan.

In July of 2018, Fresno released the Environmental Justice Report in conjunction with the 2018 RTP. The report evaluates the transportation system and proposed projects in relation to traditionally underserved communities. As a part of this effort, Fresno COG developed an Environmental Justice Subcommittee consisting of eleven positions from designated environmental justice populations. This includes three Fresno COG member agencies representatives (local agency urban, east side local agency rural, west side local agency rural), four minority representatives for the ethnicities representative of Fresno County's population (Hispanic, African American, Asian, American Indian), and two low-income representatives (one senior (65 or older) representative, one person with disabilities).

#### **4.7.3 Findings**

The Fresno COG Title VI Plan and the MPOs planning process are consistent with the Civil Rights Act of 1964. Additionally, Fresno COG has developed a thorough, data driven approach to Environmental Justice (EJ). The data driven approach is further discussed in section 4.11, Travel Demand Forecasting. In particular, the establishment of the Environmental Justice Subcommittee under the COG's Transportation Technical Committee (TTC) demonstrates a strong commitment to inclusion. The Subcommittee is made up of a broad cross section of the county's population including minorities and disabled persons. This approach also ensures that they are compliant with ADA requirements and poignantly inclusive of those populations.

#### **Commendation:**

- Fresno COG's establishment of an Environmental Justice Subcommittee that prioritizes the participation of historically underrepresented communities shows the COG's commitment to inclusion in the metropolitan planning process.

### **4.8 Consultation and Coordination**

#### **4.8.1 Regulatory Basis**

23 U.S.C. 134(g) & (i)(5)-(6) and 23 CFR 450.316(b-e) set forth requirements for consultation in developing the MTP and TIP. Consultation is also addressed specifically in connection with the MTP in 23 CFR 450.324(g)(1-2) and in 23 CFR 450.324(f)(10) related to environmental mitigation.

In developing the MTP and TIP, the MPO shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies as described below:



- Agencies and officials responsible for other planning activities (State, local, economic development, environmental protection, airport operations, or freight)
- Other providers of transportation services
- Indian Tribal Government(s)
- Federal land management agencies

#### **4.8.2 Current Status**

There are three federally recognized tribes in Fresno County: Big Sandy Rancheria of California; Cold Springs Rancheria of Mono Indians of California; and Table Mountain Rancheria of California. In consultation with each individual Tribe, the COG developed a comprehensive tribal consultation plan (in 2019) that ensures engagement with each Tribe throughout the transportation planning processes and specifically during the development of the RTP and FTIP. In addition, the COG seeks out and coordinates funding opportunities in support of tribal needs.

The COG engages with Federal Land Management Agencies (FLMAs) and other agencies responsible for economic development and environmental protection during planning and programming processes with a focus on habitat conservation and environmental mitigation.

#### **4.8.3 Findings**

Since the previous 2017 certification review, Fresno has expanded the documentation of their tribal consultation process which is included in Appendix B of the Public Participation Plan. Additionally, Fresno COG has coordinated with the tribal governments on multiple projects. For instance, in 2019 Fresno COG worked in partnership with Big Sandy Rancheria (BSR) to develop an Extreme Weather and Natural Disaster Emergency Evacuation Plan (BSREVAC) for the Rancheria. The Plan addresses the movement of community members and visitors away from disasters, emergency threats, and situations affecting the Tribe and is a key component of their Emergency Management Program (EMP).

**Recommendations:** The COG is encouraged to engage with the FLMAs in the transportation planning process focusing on access to federal lands and the needs associated with visitor transportation. The Federal Lands Transportation Program (FLTP) and the Federal Lands Access Program (FLAP) include an inventory of federally and locally owned assets that are interconnected to the National Highway System (NHS). Understanding the overlap in needs across jurisdictions and FLMA could lead to a more coordinated and effective planning and programming processes in support of improved access to Federal Lands and opportunities to align priorities and collaborate on projects.

## **4.9 Air Quality**

### **4.9.1 Regulatory Basis**

The air quality provisions of the Clean Air Act (42 U.S.C. 7401) and the MPO provisions of Titles 23 and 49 require a planning process that integrates air quality and metropolitan transportation planning, such that transportation investments support clean air goals. Under 23 CFR 450.324(m), a conformity determination must be made on any updated or amended transportation plan in accordance with the Clean Air Act and the EPA transportation conformity regulations of 40 CFR Part 93. A conformity determination must also be made on any updated or amended TIP, per 23 CFR 450.326(a).

### **4.9.2 Current Status**

Fresno COG is located in the San Joaquin Valley Air Basin. The region is considered an air quality non-attainment area because it fails to meet the EPA requirements for both ozone and particulate matter. The eight San Joaquin Valley metropolitan planning organizations (MPOs) and the San Joaquin Valley Air Pollution Control District (SJVAPCD) have a Memorandum of Understanding (MOU) to ensure a coordinated transportation and air quality planning process. As a result, Fresno COG is required to demonstrate conformity in accordance with the Clean Air Act and the EPA transportation conformity regulations of 40 CFR Part 93. A conformity determination must also be made on any updated or amended FTIP, per 23 CFR 450.326(a).

### **4.9.3 Findings**

The San Joaquin Valley MPOs have an involved Interagency Consultation process that is used to coordinate with the region's MPOs, state, and federal agencies. Fresno COG participates in the San Joaquin Valley Interagency Consultation Group which meets quarterly to ensure Valley-wide coordination, communication and compliance with Federal and California Clean Air Act requirements. All eight San Joaquin Valley MPOs, SJVAPCD, FHWA, FTA, EPA, the California Air Resources Board (CARB) and Caltrans are also represented on the committee.

Currently, the San Joaquin Valley MPOs use an Air Quality model commonly referred to as EMFAC 2014. Beginning on August 16, 2021, EMFAC 2017 must be utilized for regional conformity determinations. Although it is anticipated that five out of eight MPOs in the San Joaquin Valley will not be able to meet regional conformity after the August 15th, 2021, Fresno

COG is not among those five. The San Joaquin Valley MPOs, SJVAPCD, FHWA, FTA, EPA, the California Air Resources Board (CARB) and Caltrans will continue to coordinate on this effort.

## **4.10 Congestion Management Process / Management and Operations**

### **4.10.1 Regulatory Basis**

23 U.S.C. 134(k)(3) and 23 CFR 450.322 set forth requirements for the congestion management process (CMP) in TMAs. The CMP is a systematic approach for managing congestion through a process that provides for a safe and effective integrated management and operation of the multimodal transportation system. TMAs designated as non-attainment for ozone must also provide an analysis of the need for additional capacity for a proposed improvement over travel demand reduction, and operational management strategies.

23 CFR 450.324(f)(5) requires the MTP include Management and Operations (M&O) of the transportation network as an integrated, multimodal approach to optimize the performance of the existing transportation infrastructure. Effective M&O strategies include measurable regional operations goals and objectives and specific performance measures to optimize system performance.

### **4.10.2 Current Status**

The current Congestion Management Process (CMP) was adopted in 2017 and utilized a steering committee to initiate the update in 2015. As a part of this update, a congestion monitoring dashboard was developed to monitor the system performance. Additionally, it is noted in the Fresno COG 2021 FTIP that the CMP network was redefined and integrated in the project selection process. Lastly, Fresno COG's management and operations strategies are listed in Appendix F of the RTP.

### **4.10.3 Findings**

The Fresno COG FTIP describes how Fresno COG has integrated the CMP in the STBG project selection process. According to the FY2021- FY2022 FTIP, Fresno COG institutes collision analysis using Transportation Injury Mapping System (TIMS) data for the Congestion Management Process (CMP) and incorporates this into the STBG scoring process. Subsequently, "CMP projects that address safety issues and fall on the segments that had the top 10th percentile in collision rates -- measured by number of collisions per 10,000 average daily traffic (ADT) -- were awarded two points in the STBG process; CMP projects with safety components on locations that ranked among the top 25th percentile in total number of collisions over the analysis timeframe received one point. Projects that meet both of the criteria received the maximum two points." While the CMP has been integrated into the project selection criteria for

the FTIP, it is unclear how the CMP is relates to goals and policies identified in the RTP. This recommendation is captured in section 4.3.

## **4.11 Travel Demand Forecasting**

### **4.11.1 Regulatory Basis**

23 CFR 450.324(f)(1) requires that the Metropolitan Transportation Plan include the projected transportation demand of persons and goods in the Metropolitan Planning Area over the period of the transportation plan. Travel demand forecasting models are used in the planning process to identify deficiencies in future year transportation systems and evaluate the impacts of alternative transportation investments. In air quality non-attainment and maintenance areas, they are also used to estimate regional vehicle activity for use in mobile source emission models that support air quality conformity determinations.

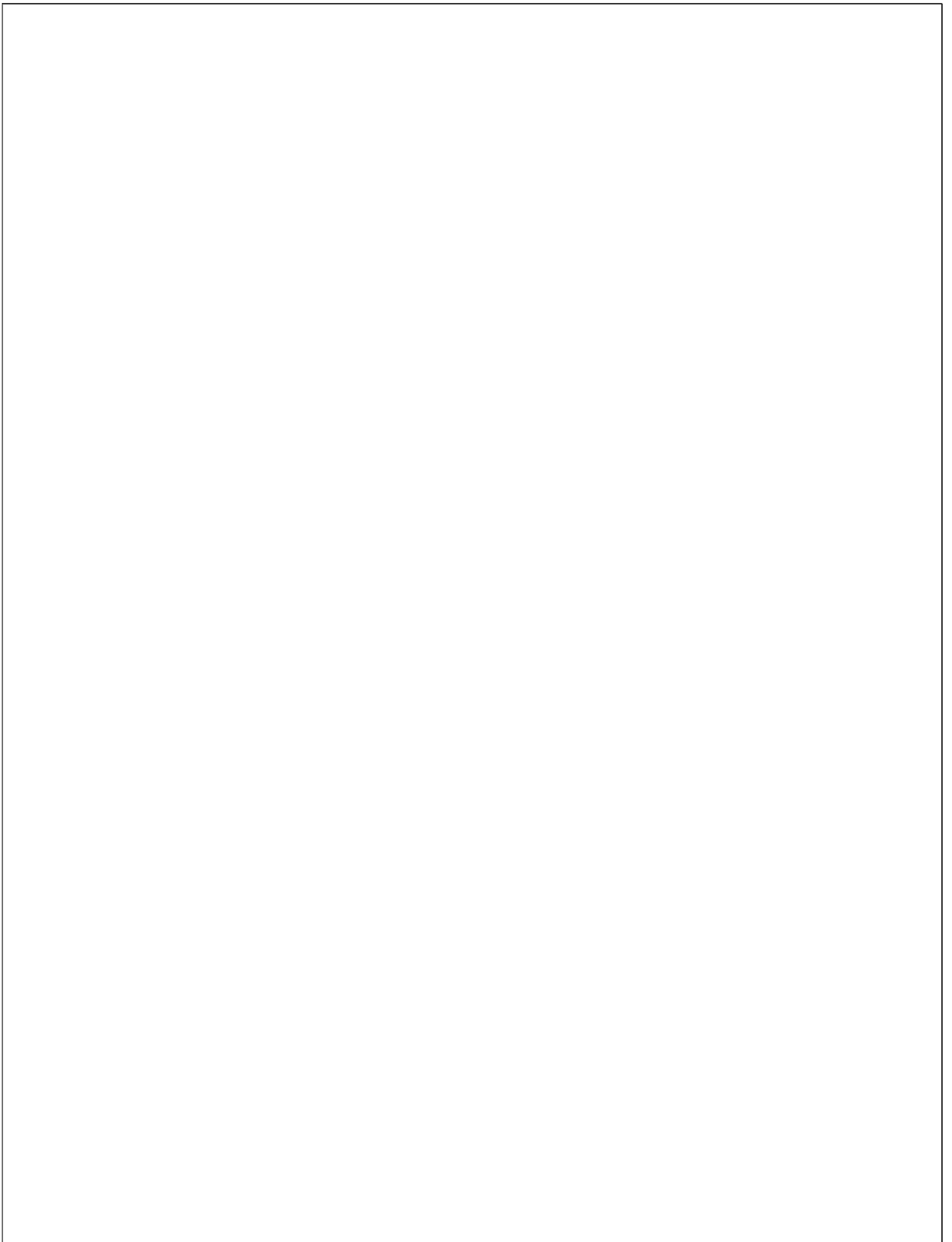
### **4.11.2 Current Status**

Fresno COG has transitioned from a 4-step travel demand model to an activity based model. This will allow for a detailed understanding of household level travel behavior. Understanding variances in travel patterns based on different combinations of demographic groupings will help the COG target investments in alignment with their goals.

### **4.11.3 Findings**

The COG uses its travel modeling data to develop Environmental Justice (EJ) and Vulnerable Communities (VC) travel characteristics to determine adverse effect on minority and low-income populations. The resulting EJ analysis demonstrated that on average EJ and VC communities were not negatively impacted by Fresno COG's programs, projects, or activities. However, on some of the performance measures targeting EJ communities, such as Transit Investment Effectiveness and Distribution of Investments, the COG falls short of its EJ performance targets in the rural parts of the county. The COG may want to consider including additional EJ performance targets that better reflect how their programs, projects, and activities equitably benefit EJ and VC communities. They can also consider doing assessment of intra-zonal trips in EJ and VC traffic analysis zones (TAZ) with an emphasis on micro-mobility, non-motorized network connectivity, and bike/ped safety. This approach is beyond the federal requirement and may be challenging given the limited data resources in this area.

Nevertheless, due to the uncertainty associated with future technological mobility revolutions, it is quite difficult to predict future travel behavior and the impact on the transportation system. That is why it is important the Fresno COG to continue to focus on data (quantitative or qualitative) and be agile and adaptive.



## **5.0 CONCLUSION AND RECOMMENDATIONS**

The FHWA and FTA review found that the metropolitan transportation planning process conducted in the Fresno urbanized area MEETS WITH CORRECTIVE ACTIONS Federal planning requirements as follows.

### **5.1 Commendations**

The following are noteworthy practices that the Fresno COG MPO is doing well in the transportation planning process:

- Fresno COG is commended for the data visualization and public outreach efforts conducted in support of the Regional Transportation Plan. The 3-minute informational video gives an overview of the MPO's long range planning efforts, vision for the future of the region, and is a great resource for dissemination of important information.
- Fresno COG is commended for their innovative public involvement strategies particularly the mini-grant program. The mini-grant program is an innovative way to do targeted outreach and increase awareness of the MPO's planning efforts.
- Fresno COG has done an excellent job in the development of their public facing documents. The documents are well written, succinct, and easy for the public to understand
- Fresno COG's establishment of an Environmental Justice Subcommittee that prioritizes the participation of historically underrepresented communities shows the COG's commitment to inclusion in the metropolitan planning process.

### **5.2 Corrective Actions**

The following are corrective actions that the Fresno COG MPO must take to comply with Federal Regulations:

- Fresno COG needs to ensure that all subsequent Regional Transportation Plans demonstrate fiscal constraint and accurately account for the total revenue anticipated for the metropolitan area.
- Fresno COG must review their internal procedures, in coordination with Caltrans, and remove sub-allocation of CMAQ and STBG from their project programming and selection procedures.

### **5.3 Recommendations**

The following are recommendations that would improve the transportation planning process:

- The Federal Team recommends that Fresno COG work, in partnership with Caltrans, to improve the OWP by clearly indicating the anticipated completion dates for each work element.

- Fresno COG should clearly articulate how their scenario planning, project selection, and congestion management process, relate to the goals, policies, and performance management requirements identified in the Regional Transportation Plan.
- While the Public Participation Plan does a good job of summarizing various mechanisms anticipated for outreach and notifications, it does not specify who will be engaged for the mechanism. For example, it is noted that the COG uses the radio to notify the public of upcoming engagement opportunities but falls short of identifying which radio station is used to disseminate that information. The public may be unclear on how to access information through that mechanism. The COG is encouraged to provide an appendix that lists, where appropriate, the specific newspapers, radio stations, special interests and community groups that are regularly engaged in the PPP process. Additionally, Fresno COG should include the evaluation of the effectiveness of the PPP strategies in the Plan itself and clearly indicate that the Public Participation Plan is updated every 4 years.
- The COG is encouraged to engage with the FLMAs in the transportation planning process focusing on access to federal lands and the needs associated with visitor transportation. The Federal Lands Transportation Program (FLTP) and the Federal Lands Access Program (FLAP) include an inventory of federally and locally owned assets that are interconnected to the National Highway System (NHS). Understanding the overlap in needs across jurisdictions and FLMA could lead to a more coordinated and effective planning and programming processes in support of improved access to Federal Lands and opportunities to align priorities and collaborate on projects

### **5.3 Training/Technical Assistance**

The following training and technical assistance is recommended to assist the MPO with improvements to the transportation planning process:

- FHWA/FTA will support Fresno COG and Caltrans in the review of the documented fiscally constrained RTP
- FHWA/FTA will support Fresno COG and Caltrans to review the documented STBG and CMAQ project selection process. More information regarding the CMAG and STBG programs are located at the following web addresses: [https://www.fhwa.dot.gov/cfo/suballocation\\_qa.cfm](https://www.fhwa.dot.gov/cfo/suballocation_qa.cfm)  
[https://www.fhwa.dot.gov/environment/air\\_quality/cmaq/policy\\_and\\_guidance/2013\\_guidance/](https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/)

## APPENDIX A - PARTICIPANTS

The following individuals were involved in the Fresno Council of Governments urbanized area on-site review:

- Jasmine Amanin, Community Planner, FHWA CA Division
- Ted Matley, Director of Planning and Program Development, FTA Region IX
- Elijah Henley, Transportation Planning Team Lead, Central Federal Lands
- Theresa Hutchins, Community Planner, FHWA Office of Planning
- Sarah Sun, Travel Model Improvement Program Outreach Manager, FHWA Office of Planning
- Charles Meyer, Safety, Design, & Operations Team Leader, FHWA CA Division Office
- Ken Kochevar, Safety Program Manager, FHWA California Division
- Grace Regidor Transportation Finance Specialist, FHWA-CA Division
- Maria Bhatti, Safety and Traffic Operations Engineer, FHWA California Division
- Tony Boren, Metropolitan Planning Director, Fresno COG
- Suzanne Martinez, Associate Regional Planner, Fresno COG
- Kristine Cai, Deputy Director, Fresno COG
- Braden Duran, Associate Regional Planner, Fresno COG
- Robert Phipps, Deputy Director, Fresno COG
- Seth Scott, Senior Regional Planner, Fresno COG
- Jennifer Soliz, Associate Regional Planner, Fresno COG
- Kai Han, Senior Transportation Planner, Fresno COG
- Peggy Arnest, Senior Regional Planner, Fresno COG
- Trai Her-Cole, Associate Regional Planner, Fresno COG
- Meg Prince, Associate Regional Planner, Fresno COG
- Kevin Mariant, Associate Transportation Planner, Caltrans Headquarters
- Michael Navarro, Deputy District Director, Caltrans District 6
- David Padilla, Senior Transportation Planner, Caltrans District 6
- Muhaned Aljabiry, Chief Office of Federal Programming, Caltrans
- Jacqueline Kahrs, Senior Transportation Planner, Caltrans, Division of Financial Programming
- Christopher Nicholas, Caltrans HQ/D6 Transportation & Community Planning



## **APPENDIX B - STATUS OF FINDINGS FROM LAST REVIEW**

One of the priorities of each certification review is assessing how well the planning partners in the area have addressed corrective actions and recommendations from the previous certification review. This section identifies the corrective actions and recommendations from the previous certification and summarizes discussions of how they have been addressed.

**Recommendation 1:** Fresno COG is strongly urged to not "wait" for the other PMs mandated by MAP-21 to come out but to continue to aggressively monitor the rule making process and to continue moving forward aggressively in transitioning to PM based planning and programming in its own transportation planning process

Disposition: Fresno COG continues to develop their Transportation Performance Measures in accordance with the State and subsequent MPO deadlines.

**Recommendation 2:** FHWA will assist Fresno COG in obtaining examples of best practice documentation so that Fresno COG can document its process and adopt formally if desired by the Fresno COG Policy Board

Disposition: Fresno COG should continue to improve the documentation of their consultation and coordination process

**Recommendation 3:** FHWA strongly urges Fresno COG to continue expanding its bicycle counting and planning activities on a regional basis and provide an example of good planning practice in actively engaging non-motorized transportation as part of its planning process and mobility solutions

Disposition: Fresno COG meets the requirements for Nonmotorized Planning/ Livability

## **APPENDIX C – PUBLIC COMMENTS**

The review team held a virtual public input session hosted by Fresno COG on April 23, 2021 from 5:00pm-6:00pm via Zoom. Roughly, six members of the public participated in the virtual public meeting and one member of the public provided comment. The team also collected comments via email. However, no additional comments were received via email.

Comment received from one member of the public is summarized below:

*I had an opportunity to participate in the transportation planning process. It is complicated and hard for the general public to be involved in because of the way it is structured. The RTP SCS is mandated by state and federal laws and the COG does a great job trying to get the public involved. Trying to keep track of the process is a labor-intensive process. I do not see how the process could be simplified. There seems to be no way around all the bureaucratic processes.*

The Federal Team accepted the comment. No further action was required.

## **APPENDIX D - LIST OF ACRONYMS**

**ADA:** Americans with Disabilities Act  
**AMPO:** Association of Metropolitan Planning Organizations  
**CAA:** Clean Air Act  
**CEQA:** California Environmental Quality Act  
**CFR:** Code of Federal Regulations  
**CMAQ:** Congestion Mitigation and Air Quality  
**CMP:** Congestion Management Process  
**CO:** Carbon Monoxide  
**DOT:** Department of Transportation  
**EJ:** Environmental Justice  
**FAST:** Fixing America's Surface Transportation Act  
**Fresno COG:** Fresno Council of Governments  
**FHWA:** Federal Highway Administration  
**FTA:** Federal Transit Administration  
**FTIP:** Federal Transportation Improvement Program  
**FY:** Fiscal Year  
**HSIP:** Highway Safety Improvement Program  
**ITS:** Intelligent Transportation Systems  
**LEP:** Limited-English-Proficiency  
**M&O:** Management and Operations  
**MAP-21:** Moving Ahead for Progress in the 21<sup>st</sup> Century  
**MOU:** Memorandum of Agreement  
**MPA:** Metropolitan Planning Area  
**MPO:** Metropolitan Planning Organization  
**MTP:** Metropolitan Transportation Plan  
**NAAQS:** National Ambient Air Quality Standards  
**NEPA:** National Environmental Policy Act  
**NHS:** National Highway System  
**NO<sub>2</sub>:** Nitrogen Dioxide  
**O<sub>3</sub>:** Ozone  
**OWP:** Overall Work Program  
**PM:** Transportation Performance Measures  
**PM<sub>10</sub> and PM<sub>2.5</sub>:** Particulate Matter  
**RTP:** Regional Transportation Plan  
**SCS:** Sustainable Communities Strategy  
**SHSP:** Strategic Highway Safety Plan  
**STBG:** Surface Transportation Block Grant  
**STIP:** State Transportation Improvement Program  
**SHSP:** Strategic Highway Safety Plan  
**SJVMIP:** San Joaquin Valley Model Improvement Program  
**SJVAPCD:** San Joaquin Valley Air Pollution Control District

**TAC:** Technical Advisory Committee

**TAZ:** Traffic Analysis Zones

**TDM:** Travel Demand Management

**TIP:** Transportation Improvement Program

**TMA:** Transportation Management Area

**TPM:** Transportation Performance Measures

**U.S.C.:** United States Code

**UPWP:** Unified Planning Work Program

**USDOT:** United States Department of Transportation

## **APPENDIX E - PROGRAM AREAS (NO NEW FINDINGS)**

### **E.1 Metropolitan Planning Area Boundaries**

#### **E.1.1 Regulatory Basis**

23 U.S.C. 134(e) and 23 CFR 450.312(a) state the boundaries of a Metropolitan Planning Area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the MTP.

#### **E.1.2 Current Status**

The Fresno Council of Governments MPO boundary encompasses all of Fresno County and serves a population of 994,400 in 2019. There are fifteen incorporated cities, three federally recognized Native American Tribes and the county contains a federally-recognized urbanized area of Fresno which has a population of just over 700,000.

The county is composed of four distinct geographic areas; the coastal range on the west, the San Joaquin Valley in the central portions, the Sierra Nevada foothills to the east of the valley, and the Sierra Nevada Mountains along the eastern boundary. Fresno County contains portions of the Sierra and Sequoia National Forests, a portion of Kings Canyon National Park and provides a major access to Sequoia National Park and Yosemite National Park.

#### **E.1.3 Findings**

Fresno COG meets the requirement for metropolitan planning boundaries.

### **E.2 MPO Structure and Agreements**

#### **E.2.1 Regulatory Basis**

23 U.S.C. 134(d) and 23 CFR 450.314(a) state the MPO, the State, and the public transportation operator shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State, and the public transportation operator serving the MPA.

#### **E.2.2 Current Status**

Fresno Council of Governments was founded Year Founded 1969 through a Joint Powers Agreement. It's member agencies consist of representatives from the Cities of Clovis, Mendota,

Coalinga, Orange Cove, Firebaugh, Parlier, Fowler, Reedley, Fresno, San Joaquin, Huron, Sanger, Kerman, Selma, Kingsburg, and the County of Fresno. The MPO Board is comprised of one representative from each incorporated city and one of the County Board of Supervisors. Generally, the Policy Board representative also serves as the Mayor of the incorporated city, or the Chairman of the County Board of Supervisors, or their designated elected official.

### **E.2.3 Findings**

Fresno COG meets the requirement for MPO structure and agreement.

## **E.3 List of Obligated Projects**

### **E.3.1 Regulatory Basis**

23 U.S.C. 134(j)(7) and 23 CFR 450.334 requires that the State, the MPO, and public transportation operators cooperatively develop a listing of projects for which Federal funds under 23 U.S.C. or 49 U.S. C. Chapter 53 have been obligated in the previous year. The listing must include all federally funded projects authorized or revised to increase obligations in the preceding program year and, at a minimum, the following for each project:

- The amount of funds requested in the TIP
- Federal funding obligated during the preceding year
- Federal funding remaining and available for subsequent years
- Sufficient description to identify the project
- Identification of the agencies responsible for carrying out the project

### **E.3.2 Current Status**

Fresno COG's has a dedicated website displaying all of their annual obligation reports dating back to 2011. The reports include the amount of funds in the TIP, federal funds obligated (or de-obligated) during the preceding year, the federal funds remaining on the project, the project description and responsible party.

### **E.3.3 Findings**

Fresno COG meets the federal requirement for their list of obligated projects.

## **E.4 Freight Planning**

### **E.4.1 Regulatory Basis**

The MAP-21 established in 23 U.S.C. 167 a policy to improve the condition and performance of the national freight network and achieve goals related to economic competitiveness and

efficiency; congestion; productivity; safety, security, and resilience of freight movement; infrastructure condition; use of advanced technology; performance, innovation, competition, and accountability, while reducing environmental impacts.

In addition, 23 U.S.C. 134 and 23 CFR 450.306 specifically identify the need to address freight movement as part of the metropolitan transportation planning process.

#### **E.4.2 Current Status**

A small portion of I-5 and State Route 99 in Fresno County fall on the National Highway Freight Network. Fresno COG adopted the Caltrans targets for System Reliability and Freight, PM 3. In 2013 the San Joaquin Valley MPOs released their Interregional Goods Movement Plan, which considers regional connectivity of goods movement.

#### **E.4.3 Findings**

Fresno COG meets the requirement for freight.

### **E.5 Environmental Mitigation/Planning Environmental Linkage**

#### **E.5.1 Regulatory Basis**

23 U.S.C. 134(i)(2)(D)23 CFR 450.324(f)(10) requires environmental mitigation be set forth in connection with the MTP. The MTP is required to include a discussion of types of potential environmental mitigation activities for the transportation improvements and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

23 U.S.C. 168 and Appendix A to 23 CFR Part 450 provide for linking the transportation planning and the National Environmental Policy Act (NEPA) processes. A Planning and Environmental Linkages (PEL) study can incorporate the initial phases of NEPA through the consideration of natural, physical, and social effects, coordination with environmental resource agencies, and public involvement. This will allow the analysis in the PEL study to be referenced in the subsequent NEPA document once the project is initiated, saving time and money with project implementation.

#### **E.5.2 Current Status**

In conjunction with the California Environmental Quality Act (CEQA), Fresno COG conducted a Program Environmental Impact Report with the release of the 2018 RTP. This report evaluates

the environmental effects of the SCS, a required element of the RTP. This summary of this report is available in Chapter 3 of the 2018 RTP.

### **E.5.3 Findings**

Fresno COG meets the federal requirement for environmental mitigation/planning environmental linkage.

## **E.6 Transportation Safety**

### **E.6.1 Regulatory Basis**

23 U.S.C. 134(h)(1)(B) requires MPOs to consider safety as one of ten planning factors. As stated in 23 CFR 450.306(a)(2), the planning process needs to consider and implement projects, strategies, and services that will increase the safety of the transportation system for motorized and non-motorized users.

In addition, SAFETEA-LU established a core safety program called the Highway Safety Improvement Program (HSIP) (23 U.S.C. 148), which introduced a mandate for states to have Strategic Highway Safety Plans (SHSPs). 23 CFR 450.306 (d) requires the metropolitan transportation planning process should be consistent with the SHSP, and other transit safety and security planning.

### **E.6.2 Current Status**

Caltrans adopted the 2020-2024 Strategic Highway Safety Plan on January 21, 2020. In February 2021, Fresno COG submitted their Safety Performance Measure targets in accordance with the Federal Transportation Performance Measure requirements. The current MPO targets support the Caltrans state targets for the safety. Fresno has also included safety as a factor in their project selection criteria.

### **E.6.3 Findings**

Fresno COG meets the federal requirements for safety.

## **E.7 Transportation Security Planning**

### **E.7.1 Regulatory Basis**

23 U.S.C. 134(h)(1)(C) requires MPOs to consider security as one of ten planning factors. As stated in 23 CFR 450.306(a)(3), the Metropolitan Transportation Planning process provides for consideration of security of the transportation system.



The regulations state that the degree and consideration of security should be based on the scale and complexity of many different local issues. Under 23 CFR 450.324(h), the MTP should include emergency relief and disaster preparedness plans and strategies and policies that support homeland security, as appropriate.

### **E.7.3 Findings**

Fresno COG meets the Federal Requirement for Transportation Security Planning

## **E.8 Nonmotorized Planning/Livability**

### **E.8.1 Regulatory Basis**

23 U.S.C. 217(g) states that bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each MPO under 23 U.S.C. 134. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities.

23 CFR 450.306 sets forth the requirement that the scope of the metropolitan planning process "will increase the safety for motorized and non-motorized users; increase the security of the transportation system for motorized and non-motorized users; and protect and enhance the environment, promote energy conservation, improve the quality of life.

### **E.8.2 Current Status**

In 2008, the state of California adopted the Complete Streets Act which requires that a city or county consider multimodal transportation networks. In 2015, Fresno COG was selected to participate in the FHWA Bicycle and Pedestrian Count Technology Pilot Program. The bike/pedestrian counts were used in the development of the first bike/pedestrian forecasting system in Fresno COG's Activity-Based Model. Additionally, Fresno COG is the lead agency for the Fresno County Regional Active Transportation Plan. This comprehensive document outlines the future for walking and biking in the Fresno County.

### **E.8.3 Findings**

Fresno COG meets the federal requirement for nonmotorized planning/livability

## **E.9 Integration of Land Use and Transportation**

### **E.9.1 Regulatory Basis**

23 U.S.C. 134(g)(3) encourages MPOs to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and

freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

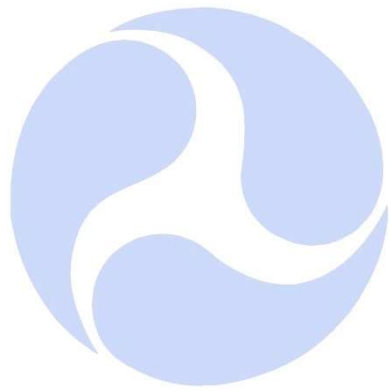
23 U.S.C. 134 (h)(1)(E) and 23 CFR 450.306(a)(5) set forth requirements for the MPO Plan to protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.

### **E.9.2 Current Status**

In 2008 the California Senate passed the Sustainable Communities and Climate Protection Act, which requires that each Metropolitan Planning Organization develop a Sustainable Communities Strategy (SCS) that considers both land use and transportation. The current SCS was adopted in conjunction with the 2018 Regional Transportation Plan. The 2018 SCS will be updated in tandem with the 2022 RTP update.

### **E.9.3 Findings**

Fresno COG meets the federal requirement for integration of land use.



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