

Policy Advisory Committee

**Date:** Friday, April 8, 2022  
**Time:** 10:00 AM  
**Place:** *Via Zoom and at COG Sequoia Conference Room*  
*2035 Tulare St., Ste 201*

**Americans with Disabilities Act (ADA) Accommodations**

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

**THE POLICY ADVISORY COMMITTEE WILL TAKE PLACE  
IN PERSON AT THE FRESNO COG SEQUOIA ROOM AND VIA ZOOM.**

**JOINING THE MEETING:**

**[HTTPS://US06WEB.ZOOM.US/J/83097236661?PWD=RLVMWTHXTGF2WTQVD0TAA1KXMJLIUT09](https://us06web.zoom.us/j/83097236661?pwd=RLVMWTHXTGF2WTQVD0TAA1KXMJLIUT09)**

**JOIN BY PHONE: (669) 900-6833**

**MEETING ID: 830 9723 6661**

**PASSCODE: 616709**

**IF YOU WISH TO ADDRESS THE COMMITTEE DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, CLICK ON THE "REACTIONS" AT THE BOTTOM CENTER OF YOUR PC OR MAC SCREEN. SELECT THE HAND ICON, CLICK THE ICON TO "RAISEHAND". YOUR DIGITAL HAND WILL NOW BE RAISED.**

**WHEN ON THE PHONE, IF YOU WISH TO ADDRESS THE COMMITTEE DURING THE PUBLIC COMMENT PORTION OF THE AGENDA, PRESS \*9 TO "RAISEHAND" AND WE WILL SELECT YOU FROM THE MEETING CUE.**

**\*\*IF JOINING BY PHONE USE \*6 TO UNMUTE AND MUTE YOURSELF. WHEN JOINING THE MEETING ALL PARTICIPANTS ARE AUTOMATICALLY MUTED. DO NOT USE THE MUTE FUNCTION ON YOUR LAN LINE PHONE OR CELL PHONE.**

**THOSE ADDRESSING THE COMMITTEE MUST STATE THEIR FIRST AND LAST NAME AND AGENCY FOR THE RECORD.**

**TO FACILITATE ELECTRONIC ACCESS, NO PERSON SHALL SPEAK UNTIL RECOGNIZED BY THE CHAIR.**

**POLICY ADVISORY COMMITTEE**

The Policy Advisory Committee will consider all items on the agenda. The meeting is scheduled to begin at 10 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 March 11, 2022 [APPROVE]**

**Exhibits:**

March Minutes

B. **City of San Joaquin FY 2019-20 Transportation Development Act Claim (Les Beshears) [ACTION]**

**Exhibits:**

Resolution 2022-06

Approve Resolution 2022-06, adopting the City of San Joaquin's 2019-20 Transportation Development Act claims totaling \$199,135.

C. **City of San Joaquin FY 2020-21 Transportation Development Act Claim (Les Beshears) [ACTION]**

**Exhibits:**

Resolution 2022-07

Approve Resolution 2022-07 adopting the City of San Joaquin's 2020-21 Transportation Development Act claims totaling \$206,777.

D. **City of San Joaquin FY 2021-22 Transportation Development Act Claim (Les Beshears) [ACTION]**

**Exhibits:**

Resolution 2022-08

Approve Resolution 2022-08 adopting the City of San Joaquin's 2021-22 Transportation Development Act claims totaling \$201,745.

E. **2022 Unmet Transit Needs Assessment - Public Hearing Announcement (Harold Sobrado) [INFORMATION]**

**Summary:** The 2022 Unmet Transit Needs Assessment public hearing will be held on Thurs., April 28 during the regularly scheduled Fresno COG Policy Board meeting. Staff will be available to address any comments received during the public hearing. Staff will return to TTC/PAC in June with the final Unmet Needs Report, following the SSTAC's approval.

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

F. **Obligational Authority and Project Delivery Update (Jennifer Soliz) [INFORMATION]**

**Exhibits:**

FFY 21/22 OA Plan  FFY 21/22 OA Quarterly Report

**Summary:** On March 15, Fresno COG staff submitted its federal fiscal year (FFY) 2021/22 obligation

plan to Caltrans' Division of Local Assistance. This plan documents Fresno COG's estimated project delivery for the remainder of 2021/22. The obligational authority (OA) target for 2021/22 is \$24,393,724.

As of Feb. 28, \$3.1 million or 12.7 percent of the federal Congestion Mitigation Air Quality (CMAQ) Program and Surface Transportation Block Grant (STBG) funding has been obligated, leaving the region with an OA balance of \$21.2 million. The obligation plan outlines approximately \$33 million in additional, combined CMAQ and STBG, which exceeds the OA target but includes approximately \$14 million of delivery risk. Approximately \$8 million in projects will be delayed, and another \$7 million expedited to offset those delays. These changes are reflected on the quarterly report attached. Based on the OA plan and the risk, Fresno COG's projected OA delivery is \$19 million, just short of the remaining OA balance.

The federal fiscal year ends Sept. 30; however, as of May 1, federal funds become available to the rest of the state on a first-come, first-served basis. Projects not submitted to Caltrans for authorization by May 1 are at risk of being delayed. It is the state's goal to exceed the OA target and, in August, receive additional federal funds redistributed from other states to projects pending authorization. Fresno COG encourages all agencies to continue submitting their requests for authorization as soon as possible to ensure they are queued up for the funds that will become available. If projects do not receive authorization approval after August, they will be delayed to October, the beginning of the next federal fiscal year.

Please keep Fresno COG staff updated on any changes that could impact the region's project delivery plan. Contact Jennifer Soliz at 559-233-4148 ext. 223 or [jsoliz@fresnocog.org](mailto:jsoliz@fresnocog.org) with any questions regarding fiscal year deadlines or the process of obligating project funds.

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

G. **Measure C New Technology Reserve Program 2022 Grant Application (Braden Duran)**  
**[INFORMATION]**

**Exhibits:**

 2022-23 New Tech Guidelines and Application

**Summary:** Fresno COG is seeking proposals from eligible public agencies for advanced transit and transportation projects that have the potential for broad benefits to Fresno County residents and will assist the region in meeting its air quality goals.

Fresno COG and the Fresno County Transportation Authority (FCTA) are proposing to fund projects of regional significance in the areas of research, development, demonstration, and deployment that will advance public transit and transportation. This cycle of Measure C's New Technology Reserve Program will make approximately **\$4.465 million** available for eligible new technology projects/programs. The 2022 application is attached to this item as a PDF and is also available at [fresnocog.org](http://fresnocog.org) in Microsoft Word format.

Timeline:

<b>ACTIVITY</b>	<b>DATE</b>
Request for proposals released	April 8
Last day to submit requests for clarification	June 2
Deadline for electronic proposals from agencies wishing to partner with Fresno COG	June 16
Deadline for proposal submittal	July 20
Scoring (tentative)	July 25 - Aug. 12

Potential interview dates (tentative)	Aug. 15 - 26
Policy Board approval (tentative)	Sept. 29
FCTA Board approval (tentative)	Oct. 12
Notice to proceed - subject to contract signing (tentative)	January 2023

In February 2016, the Policy Board approved a formal process to solicit and accept members to sit on a Multidisciplinary Advisory Group (MAG). The MAG will review, evaluate, and score the New Tech applications and recommend projects for funding. Nominees are needed from the following categories: City of Fresno, City of Clovis, east side city, west side city, County of Fresno, Measure C Citizens Oversight Committee, FCTA, transit, business, education, and two public seats. The MAG application will be formally released late this spring and are due June 17.

Anyone interested in being a part of this scoring committee, who may wish to nominate someone else, or for additional information generally, please contact Braden Duran at [bduran@fresnocog.org](mailto:bduran@fresnocog.org) and/or visit [fresnocog.org/measure-c-new-technology-reserve-fund](http://fresnocog.org/measure-c-new-technology-reserve-fund).

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

## II. TRANSPORTATION ACTION/DISCUSSION ITEMS

### A. Sixth Cycle Multijurisdictional Housing Element Consultant Contract (Meg Prince) [ACTION]

#### **BACKGROUND**

California housing element law requires every jurisdiction to prepare and adopt a housing element as part of general plans. In California, typically each city or county prepares and maintains its own separate general plan and housing element. During the last round of housing element updates, however, the County of Fresno and 12 of the 15 cities in the region, with Fresno COG's help, prepared a multi-jurisdictional housing element (MJHE).

The MJHE provided an opportunity for countywide housing issues and needs to be more effectively addressed at the regional level rather than just at the local level. In addition, the economies of scale from the multijurisdictional effort resulted in significant cost savings for participating jurisdictions.

State housing element requirements are established in Government Code Sections 65580 through 65589, Chapter 1143, Article 10.6. The law requires the State Department of Housing and Community Development (HCD) to review housing elements for compliance with state law and report its written findings to the local jurisdiction. State law mandates that housing elements be updated every eight years. The sixth-cycle housing elements will cover the planning period between 2023 and 2031 and must be adopted and submitted to HCD for certification by Dec. 31, 2023.

While legislative changes have increased the cost and complexity of the housing element since the fifth cycle, there are some advantages to pursuing a joint effort, and local members have again requested Fresno COG hire a consultant to be paid for by participating member agencies to develop a sixth-cycle multijurisdictional housing element.

The MJHE's primary objective is to have a regional plan, with individual appendices for each participating jurisdiction, addressing housing needs to be certified by the State. Fresno COG is acting as the fiscal agent and contract administrator for the sixth-cycle, multi-jurisdictional housing element. Fresno COG will convene a MJHE Working Group, which will include participating local government staff, to direct and support the overall effort.

#### **CONSULTANT SELECTION**

Fresno COG released a request for proposals on Jan. 27 for qualified consultants to develop the sixth-cycle MJHE, and received two proposals. A consultant selection committee comprising representatives from the County, Kerman, Fowler, Fresno, Selma, and Fresno COG conducted consultant interviews on

March 22.

The consultant selection committee is recommending PlaceWorks as the preferred consultant team. The PlaceWorks team includes Ascent Environmental, Provost and Pritchard, and California Coalition for Rural Housing, as subconsultants. The PlaceWorks team has extensive experience preparing housing element updates and is well versed in addressing the latest legislation affecting housing elements and general plans.

The contract cost is broken out by two potential options for environmental compliance. The first option includes each participating jurisdiction adopting its housing element with an addendum to its general plan's environmental impact report (EIR), for a total of \$1,746,266. The second option includes an initial study for each jurisdiction, leading to a negative declaration for the proposed housing elements, for a total of \$1,894,931. Once necessary changes to land use are understood in more detail, PlaceWorks will assist local jurisdictions in determining the appropriate course in terms of environmental compliance.

The estimated cost for each of the 13 smaller jurisdictions ranges from \$110,000 with an environmental addendum to \$125,000 with an initial study/negative declaration. The cost for the County ranges from \$140,000 with an environmental addendum to \$150,000 with an initial study/negative declaration. The estimated cost for the City of Fresno is \$225,000 with an environmental addendum to \$245,000 with an initial study/negative declaration.

### **NEXT STEPS**

At this time, the County, City of Fresno, and 13 other cities have all expressed interest in participating. Participating jurisdictions have (or are in the process of) providing a signed resolution confirming participation in the joint effort as well as a \$10,000 deposit to help Fresno COG alleviate cashflow issues. The deadline for these two items is Thurs., April 28, at which time Fresno COG staff will request the Policy Board authorize the executive director to enter into a contract with PlaceWorks.

A kickoff meeting with the consultant and participating jurisdictions will be scheduled for May.

Please contact Meg Prince at [mprince@fresnocog.org](mailto:mprince@fresnocog.org) with any questions or concerns.

**Action:** Staff requests that TTC/PAC recommend that the Policy Board authorize the executive director to enter into an agreement with PlaceWorks to produce the sixth-cycle multi-jurisdictional housing element for an amount not to exceed \$1,894,931.

### **B. Measure C Transit Oriented Infrastructure for Infill Development (TOD) Program Cycle 10 Funding Recommendation (Kristine Cai/Jennifer Soliz) [ACTION]**

**Summary:** The Measure C Transit-Oriented Infrastructure for Infill Development (TOD) program was established as part of the Measure C 2006 Extension Plan. It was designed to boost transit ridership through transit supportive land uses such as compact development and mix uses, and other transit complementary infrastructure development and planning activities. It was intended to provide seed money for transit-oriented development in Fresno County and promote livable, sustainable and healthy communities that are walkable, bikeable and transit friendly.

The TOD program accounts for 1.2% of Measure C funding and is estimated to accrue about \$17 million in the Measure's 20-year lifespan. Cycle 10 has about \$1.44 million available. Fresno COG received three applications totaling \$989,932 in funding requests. These applications are:

1. City of Fresno requested \$450,000 for preliminary engineering on segments of Blackstone Avenue from State Route 180 to Pine Avenue as part of the Blackstone Avenue Smart Mobility Project. The project aims to transform the auto-oriented Blackstone corridor into a people-centered, multi-modal community that is walkable, bikeable and transit-friendly.
2. City of Kingsburg requested \$396,165 to construct pedestrian and bicycle infrastructure improvements in downtown Kingsburg as identified in the Downtown Kingsburg Strategic Plan.
3. City of Fowler requested \$143,767 to fund a bicycle infrastructure project in downtown and surrounding areas to connect key activity centers to transit facilities in Fowler.

The scoring committee met and discussed application's qualifications on March 22. The committee unanimously recommended to fully fund all three projects, as requested.

**Action:** Staff requests that TTC/PAC recommend the Policy Board fully fund the projects submitted by the cities of Fresno, Kingsburg and Fowler, totaling \$989,932, through Measure C's TOD program.

C. **Measure C Renewal Update (Tony Boren) [INFORMATION]**

**Summary:** Staff will provide a short update on the Measure C renewal process and timeline.

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

III. **ADMINISTRATIVE CONSENT ITEMS**

**About Consent Items:**

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A. **Voting Protocols for Officer Elections (Les Beshears/Robert Phipps) [ACTION]**

**Exhibits:**

 Resolution 2022-09

**Summary:** Fresno COG's bylaws specify that the most recent edition of Robert's Rules of Order (RRO) shall constitute the parliamentary authority for the Policy Board.

RRO provides multiple guidelines for officer elections depending on the nomination and voting method used, but does not dictate a specific protocol on nominations and elections.

For instance, it provides nominations are customary but not required when voting by ballot or roll call. Any member can vote for any eligible person whether nominated or not. A nomination is not a motion and a second is not required. Nominations are merely treated like a motion to "fill in a blank".

Once all nominations are provided, they may be voted on in the manner prescribed in the agency's bylaws or, in the order nominated, or any other method RRO provides for a vote to be taken. Generally, the most common method is by ballot.

Importantly, Board members can themselves determine how they wish to proceed with an officer election within certain parameters and still be consistent with RRO.

Given those loose parameters, staff has developed a protocol addressing all officer positions for the COG Board and committees, to be codified by resolution, wherein:

The Chair shall open nominations. Any Board/committee member may nominate anyone other member for an officer's position (chair or vice-chair). A second is not required.

After allowing sufficient opportunity for any Board/committee member to make a nomination, the Chair shall close nominations and repeat the names of those nominated. The Chair shall direct the secretary to proceed to a vote by roll call. The secretary shall ask members, in turn, the candidate for whom they wish to vote.

Before voting, the member may request the names of the candidates be repeated. The secretary shall tabulate the votes and announce the candidate with the most votes as the winner. In case of a tie, a run off vote shall be taken between tied candidates.

In the case a tie cannot be broken after repeated votes, the winner shall be determined by coin toss.

**Action:** Staff requests the PAC recommend the Policy Board approve Resolution 2022-09 establishing a formal and orderly election protocol.

## VI. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

### A. Oppose position - Assembly Bills 2237 and 2438 (Robert Phipps) [ACTION]

**Summary:** Two bills working their way through the California Assembly have the potential for serious ramifications to both regional and local transportation projects.

Together, AB 2237 and AB 2438 -- authored by Assembly Transportation Committee Chair Laura Friedman -- require all projects funded through regional plans and programs, such as the Regional Transportation Plan (RTP) and the Regional Transportation Improvement Program (RTIP), be consistent with the California Transportation Plan (CTP) and the California Climate Action Plan for Transportation Infrastructure (CAPTI).

Under AB 2438, these requirements also extend to such state funding programs as the State Highway Operation and Protection Program (SHOPP), as well as multiple SB 1 programs, including: Solutions for Congested Corridors, Trade Corridor Enhancement and the Local Partnership Program within the Road Maintenance and Rehabilitation (RMRA) Program.

Among other issues, the CTP does not meet the definition of "reasonableness" to which regional plans must adhere. Whereas the CTP is "aspirational," regional plans like the RTP are grounded in "fiscal constraint," or a demonstrable degree of certainty regarding consistent funding sources over time.

For example, CalCOG estimates that pricing assumptions in the CTP are equal to a current-day gas tax increase of \$2.25 per gallon. Federal regulations prohibit regional entities from adopting plans that include such unlikely scenarios. Given that the state plan does not have to adhere to regional plan standards, there is a significant risk that a project may be consistent with the vision in one plan but not the other.

In addition, State policies have a tremendous influence on whether or not a region meets its greenhouse gas (GHG) reduction target under SB 375. For example, many of the capacity-increasing projects on the State system are sponsored by Caltrans. There are multiple approaches the State might take to achieve such outcomes. AB 2237 should direct state agencies to look at supporting state actions more closely.

The state must be more accountable for its own actions. In another example, the California Air Resources Board's (ARB) Scoping Plan states that GHG reductions from "SB 375-like" strategies should be 25 percent. Yet ARB's Plan could only set the SB 375 targets at a 19 percent average, acknowledging the limits of what metropolitan planning organizations like Fresno COG could feasibly achieve. ARB stated that the 6% gap (25%-19%) would be achieved by "additional state actions." To date there has been no comprehensive plan to address this issue, or analysis to determine whether actions like CAPTI or SB 743 sufficiently bridge this gap. This kind of analysis is an essential first step in reaching State climate change goals.

Collectively, AB 2237 and 2438 place the full onus of the State's climate change goals and GHG reductions on local and regional transportation projects without addressing additional policies and actions the State Legislature could adopt to help solve the problem. Staff recommends opposing both AB 2237 and 2438.

**Action:** Staff requests the PAC recommend an "oppose" position to the Policy Board for both AB 2237 and AB 2438, and direct the Executive Director to file letters of opposition with the Legislature.

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VI. **OTHER ITEMS**

A. **Items from Staff**

B. **Items from Members**

V. **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 three minutes.**